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**Introduction and Administration**

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**1.01 Purpose of Policy Manual**

*Effective Date: 9-20-2005*

*Revision Date:*

This Manual contains statements of Personnel Policies and Procedures. It is designed to be a working guide for department heads and supervisors for day-to-day implementation of our City personnel program. Persons who are subject to these policies and procedures are all employees engaged in City service.

These written policies should increase understanding, eliminate the need for personal decision making on matters of City-wide policy and help to insure uniformity throughout the City. It is the responsibility of each and every member of management to implement these policies in a consistent and impartial manner.

Procedures and practices in the field of employee relations are subject to modification and development in light of experience. Each department head can assist in keeping our personnel system up-to-date by notifying Human Resources whenever problems are encountered or improvements can be made in the administration of our personnel policies.

For the purpose of the manual, a POLICY is the general statement of a City goal. A PROCEDURE is a specific step for reaching that City goal and can include use of special forms.

Material in this manual shall be presented in either a policy, procedure format or a general statement format.

**1.02 Authority and Distribution of the Personnel Policy Manual**

*Effective Date: 9-20-2005*

*Revision Date:*

This Personnel Policy and Procedure Manual is being distributed to all department heads and administrative personnel designated by their department heads who have major supervisory responsibilities.

This manual is designed to:

- A.** Provide a basis for and objectives of our personnel program;
- B.** Assign responsibility for carrying out the principles and practices of our personnel program;
- C.** Provide recognized authority, consistent with applicable laws and City ordinances, when action is to be taken; and
- D.** Minimize the possibility of unauthorized personnel action(s).

You are receiving a copy of this manual because you are part of our management team. It will explain how our personnel program should operate and your authority, accountability and responsibilities within the program.

**1.03 Establishing New or Revised Policy**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

New policies or changes and revisions in established personnel policies must be submitted by the City Manager or their designee and approved by the City Council. They shall be brought promptly to the attention of all employees.

**Purpose**

- A. To make sure each employee is made aware of policy changes.
- B. To maintain employee morale by keeping them informed.
- C. To insure that our operation remains efficient and effective by revising or establishing new policies as needed.

**Procedure**

- A. Suggestions for changes in existing policy or new policy are to be presented in writing from the department head to the department of Human Resources.
- B. Human Resources will review the suggestions and may submit revisions in ordinance form or ordinance revision. The revised or new policy will be presented to the City Manager and upon approval will be presented to the Personnel Committee.
- C. Upon review of the new policy or revision by the Personnel Committee, the City Council will then be approached for approval.
- D. Human Resources will be responsible for complete dissemination of a new policy or policy changes. This will be accomplished by:
  - 1. Forwarding a copy of the new policy or policy changes to all department heads.
  - 2. Forwarding new material or revised material for inclusion in the policy manual.
  - 3. Department heads, in turn, will be responsible for ensuring that their departmental employees are informed of new policies or new policy changes.

#### **1.04 Supplements to the Policy Manual**

*Effective Date: 9-20-2005*

*Revision Date:*

##### **Policy**

Policy supplements, which are defined to mean new forms or interpretations to existing policies, are to be promptly brought to the attention of those affected employees. All supplements, including policy interpretations and procedures, are the responsibility of Human Resources.

##### **Purpose**

- A. To allow efficient and effective operation of our personnel program.
- B. To allow minor administration matters to be expedited without City Council involvement.

##### **Procedure**

- A. This manual is in loose-leaf form to allow for changes and additions. New pages will be sent to holders of manuals with instruction to remove any sheets that are superseded. The personnel system is broken down into twelve major sections to allow an orderly arrangement of material in this manual. A numerical system permits positive identification of each statement.
- B. Suggestions for revised forms or requests for policy interpretations are to be presented in writing from the department head to Human Resources.
- C. Human Resources will be responsible for complete dissemination of policy supplements. This will be accomplished by:
  - 1. Forwarding a copy of policy supplements to all department heads.
  - 2. Department heads will be responsible for ensuring that departmental employees using forms or those affected by policy interpretations are informed.

**1.05 Departmental Policies**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

In accordance with the City Personnel Policies, each department head may establish a set of operating policies for the purpose of handling personnel matters which are unique to the department concerned and which shall be governed by the City Personnel Policies.

To be effective, such operating policies shall be filed with Human Resources, who shall indicate in writing that such departmental operating policies are not in conflict with the City Personnel Policies.

A copy of such policies shall be provided to each employee and made available for reference within each department.

**Purpose**

This policy is intended to allow flexible employee administration among the larger, more diverse departments. Because of the number and diversity of City departments it is expected that different operating policies are necessary for efficient and effective operation.

**Procedure**

- A. Department heads that wish to establish departmental policies must reduce them to a written format and submit them to Human Resources.
- B. Human Resources shall submit written indication to the department head as to whether or not such policies conform or conflict with established City policies. Approval of departmental policies is contingent upon their conformance with City policies.

## **Section II**

### **Employment with City of Huntsville**

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**2.01 Equal Employment Opportunity**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

The policy of the City of Huntsville in regard to equal employment opportunity continues to require employment and all employee action(s) to be based solely on individual merit and personal capabilities without regard to race, religion, color, national origin, age, disability or sex; except where sex is a bona fide occupational qualification. This policy requires the full cooperation of all City of Huntsville employees in this regard. We are obligated to follow this policy on the basis of common decency rather than on the basis of our legal requirements.

Your cooperation and support in Affirmative Action Program efforts is essential in assuring equal employment opportunities in all City operating facilities (see Section 2.02).

## **2.02 Affirmative Action Program Summary**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

To implement our Equal Employment Opportunity policy, the City of Huntsville Affirmative Action Plan (AAP) has been adopted. The Affirmative Action Plan shall affect employee actions and shall be implemented by Human Resources. Each department head is charged with conforming to the AAP in administering these policies.

### **Purpose**

The Affirmative Action Plan has been developed because the City is legally required to establish and promote it. The 1964 Civil Rights Act has been interpreted in Federal administrative regulations and in court cases as mandating the system and actions outlined above. Management in the City has the responsibility of being aware of the City's responsibilities in this critical area and in working with Human Resources in the successful completion of this program.

### **Procedures**

- A. **Recruitment** - We will consider qualified minority group and female applicants for vacancies in all job classifications in conjunction with our established policy of advancement and promotion from within on the basis of individual qualifications, potential and job performance.
  - 1. Public employment offices used by the City will be advised of our equal employment policy and will be urged to refer qualified minority group and female applicants to us as the need arises.
  - 2. When advertising in newspapers, we will use the term "Equal Opportunity Employer" in all such employment advertisements.
  - 3. When recruiting is necessary at schools and/or colleges, we will notify minority group and women member organizations.
- B. **Job Placement and Promotions** - We will provide promotional and upgrading opportunities to all qualified minority group and female employees by the following action:
  - 1. Communicate policy of promotion from within of qualified employees to minority group and female employees during performance reviews.
  - 2. Brief supervisors within all levels of management that the City intends to insure utilization of all candidates for promotions from within.

3. Objectively review the qualifications of all candidates for promotion from within.

**C. Training and Development:**

1. All training and educational programs conducted on the job will be reviewed periodically to be certain that all employees, including minority group and female employees, are given equal employment opportunity to participate in these programs.
2. All City supported or sponsored training seminars for supervision will be available for minority group and female supervisors; and they will be encouraged to participate.

**D. Compensation and Employee Benefits - We will pay all employees fairly according to their job classification. City supported benefit programs for employees will be made equally available to minority group and female employees without discrimination.**

**E. Reduction in Force and Terminations - To reduce our work force whenever deemed necessary, recall to work will be made without regard to race, creed, color, sex, age, national origin, or religion. When it becomes necessary to terminate any employee, such termination will be for cause without discrimination due to race, creed, color, sex, age, national origin or religion.**

**F. Communication of EEO Policies - The City will take appropriate steps to insure that all employees know of our sincere desire to support and take affirmative action toward providing equal employment opportunity such as through the following venues:**

1. Bulletin board displaying official EEO poster and EEOC policy
2. Employee Handbook
3. Policy Manual
4. Employee Newsletter
5. Supervisory-Employee Meetings
6. Supervisory Staff Meetings

**G. Affirmative Action Program Coordinator - The City Manager or his/her designated representative will act as the City Equal Employment Opportunity Policy Coordinator(s). He or she will be given appropriate authority and responsibility to administer and coordinate this program. This official will coordinate the efforts of all managerial and supervisory employees. He or she will advise and assist top management of our City and will make periodic reports of progress under this Affirmative Action Program to the City Manager and the Personnel Committee with recommendations whenever appropriate.**

### **2.03 Qualifications of Applicants**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

Applicants hired for employment with the City of Huntsville must meet the minimum qualifications established in the approved job description. Should any applicant make any misrepresentation of their credentials, work history, education, or any other criteria for selection, whether discovered at the time of application or after accepting an offer of employment, any offer of employment will be withdrawn and employment will be terminated.

#### **Pre-Employment Physicals**

For all positions within the City, after a conditional offer of employment has been extended but before the individual has started work, a medical examination and/or a drug screen shall be required. The offer of employment is conditioned upon the medical examination and drug screening test results.

## **2.04 Definition of Employment Status**

*Effective Date: 9-20-2005*

*Revision Date: 08-15-2006*

### **Policy**

The terms below shall be interpreted as indicated:

- A. **Employees** - All persons who receive wages or salaries from the City and who occupy positions classified under the City Classification Policy.
- B. **Introductory Employees** - The introductory period for all new employees is six (6) months and twelve (12) months for Police Officers and Firefighters. If both the department head and Human Resources determine that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended up to an additional three (3) months. During this period, the employee has the opportunity to demonstrate proper attitude and abilities for the position for which employed. He/she may be dismissed or terminated from employment without prior notice or obligation during this period. Employees serving an introductory period are not eligible for any termination compensation.
- C. **Regular Full-Time Employees** - Those employees who work the customary number of hours weekly (40 or more) and who maintain continuous employment status. The Director of Public Safety, with permission of the City Manager, may approve a work schedule consistent with Texas Local Government Code § 142.0015. All regular full-time employees are eligible for all employee benefit programs, including TMRS, group insurances, paid vacations, paid sick leave, paid holidays, etc.
- D. **Regular Part-Time Employees** - Those employees who work less than the customary number of full-time hours weekly (40), but in no event less than twelve (12) hours and who maintain continuous regular employee status. Regular part-time employees will be eligible for the following employee benefit programs: holidays they are normally scheduled to work, Worker's Compensation Insurance and Unemployment Insurance.
- E. **Temporary Full-Time Employees:**
  - 1. **Limited Duration** - Those employees whose service is intended to be of limited duration, such as during the summer months, but who work the customary number of full-time hours. These temporary employees are not eligible for any employee benefit programs other than Worker's Compensation and Unemployment Insurance. Under no circumstances should a temporary full-time employee for short term duration work more than one thousand (1000) hours in a fiscal year.
  - 2. **Extended Duration** - An incumbent's position, temporarily vacated due to authorized leave of absence, which may be filled on a temporary basis by an employee whose

services are to be of extended duration, but not regular. These temporary employees are not eligible for any employee benefit programs other than Worker's Compensation and Unemployment Insurance.

- F. Temporary Part-Time Employees** - Those employees who work less than the customary number of full-time hours weekly (40) and who do not maintain continuous regular employment status. Temporary part-time employees are not eligible for any employee benefit programs other than Worker's Compensation and Unemployment Insurance.

**Purpose**

- A.** The purpose of this policy is to standardize terminology and insure common understanding in our references to employees.
- B.** To provide reasonable guidelines for the expense(s) to be incurred in employing individuals for different reasons.

## **2.05 Personnel Requisition Procedures**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

The department heads are responsible for the final selection and filling of positions within the departments. Department heads must notify Human Resources of their need to fill a vacancy (see Section 2.09, Position Inventory).

### **Purpose**

- A. To insure that adequate and updated information is provided for recruitment and selection procedures.
- B. To provide controls to insure that our objectives in equal employment opportunities and all of our personnel system goals are met.

### **Procedure**

- A. Department heads must complete a Personnel Requisition Form.
- B. Human Resources is to insure compliance by not signing a Personnel Action Form of a new hire unless a requisition notifying Human Resources of the position vacancy was received in advance.

## **2.06 Personnel Recruitment Procedures**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

It is the policy of the City of Huntsville to hire the best qualified candidate available for each job opening. The widest possible distribution of information on vacant City positions will be attempted. It is also our policy to encourage a career service within the City by promoting current employees whenever possible to fill vacancies.

### **Purpose**

- A. To foster higher employee morale and retain employees by demonstrating that promotional opportunities exist.
- B. To insure that our equal employment opportunity goals are met by actively publicizing our position openings.
- C. To insure that the highest standards of public service are maintained by employing the most qualified individuals.

### **Procedures**

- A. Human Resources is to prepare a notice of a position vacancy and post that vacancy in the City. The notice will be based on information supplied in the Personnel Requisition Form.
- B. Efforts will be made to post vacant positions internally for ten (10) calendar days to insure that existing employees are made aware of vacancies.
- C. If an existing employee from another department is selected to fill the vacancy, two (2) weeks notice will be given.
- D. Employee referrals will be encouraged. Our existing employees can often be excellent sources of recruitment.
- E. Advertising will be placed by Human Resources.
- F. Other sources of recruitment may include job fairs and campus recruitment.
- G. Employment agencies may be utilized if approved by Human Resources.



## **2.07 Receipt of Employment Applications**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

Applications for employment are to be received only at Human Resources. Resumes may be accepted, but all applicants must turn in an approved City employment application form prior to the interview process.

### **Purpose**

- A.** Record-keeping requirements of our federally mandated Affirmative Action Plan require that all applications be received and recorded at a central location.
- B.** Human Resources was established to relieve operating departments of the task of receiving employment applications and inquiries.
- C.** Human Resources must have initial involvement and control in the employment functions if it is to accomplish its goals and objectives.

### **Procedures**

- A.** All applicants for employment will be referred to Human Resources where they are to complete the City Employment Application form.
- B.** Copies of employment applications will be sent to each applicable department.
- C.** Present employees wishing to apply for a posted vacancy should be referred to Human Resources to complete a request for transfer form.

## **2.08 Selection of Employees**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

Applicants are to be employed only after they have been subject to employment investigation into which their personal references, educational and work backgrounds can be confirmed and/or verified. Only fully qualified applicants will be considered for employment.

### **Procedures**

- A.** Applicants for employment will be screened by Human Resources before being interviewed by department heads and/or administrative personnel. Items which may be reviewed by Human Resources include:
  - 1. Written application.
  - 2. Verification of references.
  - 3. Record check (where applicable).
  - 4. License verification (where applicable).
  - 5. Copies of certificates of training received.
- B.** Applicants will be selected for interview(s) by the department head or their designated representatives.
  - 1. The hiring authority is required to prepare standard questions that shall be used to query candidates selected for an interview.
  - 2. A copy of documents (e.g., standard questions, test results, interview records) relating to the selection shall be forwarded to Human Resources upon completion of the selection process.
  - 3. The hiring authority shall complete and return to Human Resources the application transmittal form.
  - 4. Department heads must submit a Personnel Action Form to Human Resources for approval before an employee can begin work.
  - 5. Department heads must schedule a new employee orientation with Human Resources before an employee can begin work.

*Employee Policies and Procedures, Section 2*

- C. In compliance with the Immigration Reform and Control Act of 1986, all employees hired after November 6, 1986 will complete the Form I-9, Employment Eligibility Verification, and submit copies of supporting documents within the time frames outlined in the Act.

Human Resources shall:

1. Check documents establishing employees' identity and eligibility to work.
2. Copy the appropriate documents.
3. Properly complete the employer's part of the Form I-9.
4. Retain the form for at least three years (should the person be employed for more than three years the form shall be retained one year after the person terminates employment).
5. Present the Form I-9 for inspection upon the request of the INS or the Department of Labor

## **2.09 Position Inventory**

*Effective Date: 9-20-2005*

*Original Date:*

### **Policy**

All regular full-time and part-time employees will be maintained on the Position Inventory. The inventory is designed as a continuous monitor of the salary account and will include:

- A. All classified positions by department.
- B. The incumbent filling the position or vacancy.
- C. The amount budgeted for each position.
- D. Earnings paid to date.
- E. Encumbered and unencumbered budgeted amount.

### **Purpose**

The purpose of the Position Inventory is to establish an effective system for budgeting by position and classification. It will allow for City management to more adequately monitor and administer the personnel function within the City of Huntsville. It will provide the means by which the City Manager's budgetary authority can be efficiently administered. It will allow for improved recruitment and placement by separating and defining budgetary and policy decisions as opposed to administrative tasks.

### **Procedure**

It will be the responsibility of Human Resources along with Finance's assistance to maintain the Position Inventory. To assist in the maintenance, the following regulations will be effective:

- A. The effective date of terminations as reported to Human Resources shall be the last day worked.
  - 1. The payroll termination must equal the TMRS termination date so that when an employee files the appropriate TMRS papers he can receive the proper pension credits and/or proper separation of benefits from TMRS.
  - 2. On the termination date the employee must cash out all benefits that were accrued on the next paycheck. Those benefits would include vacation pay, sick leave pay, overtime pay, compensatory time pay and holiday pay, minus any other amount owed to the City.

*Employee Policies and Procedures, Section 2*

3. Because of the continued cost to the City in terms of health, life and dental benefits, an employee must not be continued on the payroll after their effective termination date.
- B.** A vacant position may be replaced through authorization of the department head. A new hire into a budgeted vacancy will be submitted to Human Resources where a check of an actual vacancy will be conducted. A review of compliance with the personnel policies and the Compensation and Classification Plan will also be accomplished. Once Human Resources has established compliance with existing policies and the Position Inventory, the Personnel Action Form will be issued to Payroll for issuance of pay.
- C.** All changes to positions within a department must be submitted to the City Manager for approval. This is to include:
1. Classification changes.
  2. Pay raises other than introductory increases.
  3. The addition or reduction of a budgeted position.
  4. The hire of individuals into a department where no budgeted position exists.
- D.** Transfers from one budgeted position to another budgeted position, promotions from one budgeted position to another budgeted position and terminations of employees who are listed in the inventory are to be treated as administrative tasks. These changes to the inventory need department head authorization and approval of Human Resources and the City Manager.
- E.** All documents including application forms, health status reports, resumes, letters of resignation, cause for termination or other pertinent information that is required by Human Resources to insure compliance with existing policies and procedures shall be supplied to Human Resources.

## **2.10 Hiring of Relatives**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

It is the policy of the City of Huntsville to hire the best qualified employees available for all jobs. Members of an employee's immediate family will be considered for employment on the basis of their qualifications. Nevertheless, the City may decline to hire any person closely related to an employee when the City believes that it has a legitimate business interest raising a bonafide occupational qualification. Such bonafide occupational qualifications include but are not limited to an override of generally accepted accounting principles or principles of internal control.

The City Council, City Manager and department heads may not appoint or employ any person related in the second degree by affinity or in the third degree by consanguinity to the Mayor, any member of City Council or City Manager and any department head to any office, position, clerkship or other service of the City except where authorized by Texas Law. Any person related to a department head may not be employed in said Director's Department but may be employed in another department of the City. See City Chapter § 14.11 chart below; Texas Government Code Chapter 573.

### **PROHIBITED RELATIONSHIPS INCLUDE:**

- A. **First Degree by Consanguinity**  
Parents – Children – Brothers and Sisters
- B. **First Degree by Affinity**  
Spouse – Spouse's parents – Spouse's children – Spouse's brother and sisters  
Step parents – Step children
- C. **Second Degree by Consanguinity**  
Grandparents – Grandchildren – Aunts and uncles – First cousins – Nieces and nephews
- D. **Second Degree by Affinity**  
Spouse's grandparents – Spouse's grandchildren – Spouse's aunts and uncles  
Spouse's first cousins – Spouse's nieces and nephews
- E. **Third Degree by Consanguinity Only**  
(Does not include spouses)  
Spouse's great grandparents – Spouse's grandchildren – Spouse's great aunts and uncles  
Spouse's Second cousins – Spouse's great nieces and nephews

NOTE: A husband or wife is related by affinity only to those who are related to the other spouse by consanguinity. For example, the rule prohibits an employee from supervising the employee's spouse's first cousin, but not the spouse of the employee's first cousin.

## **2.11 Rehire of Former Employees**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

Former employees of the City of Huntsville may be considered for re-employment with the City under the following conditions:

- A. The employee gave satisfactory advance notice.
- B. The employee left for good reason.
- C. The employee's last evaluation was satisfactory or better.
- D. A six month separation will require an employee to be re-oriented.

### **Procedure**

- A. All selection procedures as established in this manual must be followed in addition to the above stated conditions.
- B. Human Resources are responsible for insuring that the conditions of this policy have been satisfied.
- C. The employee will be asked on both the application and during oral questioning if he/she has worked for the City. If he/she indicates that there has not been former employment with the City and it is later made known that he/she had been, this will be grounds for termination.

## **2.12 Induction of New Employees**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

All newly hired employees will be sent prior to starting work to Human Resources for induction into City group health, dental, life, the Texas Municipal Retirement System and to prepare withholding forms.

### **Procedure**

- A.** Newly hired employees will report to Human Resources.
- B.** Human Resources will be responsible for completing all required forms to participate in eligible benefits with the employee. These will include:
  - 1. Group health insurance
  - 2. Group dental insurance
  - 3. Group life insurance
  - 4. Texas Municipal Retirement System
- C.** Human Resources will explain the benefits to the employee, explaining coverage and the methods of using the insurance. Additional explanatory material will be provided for the employee's future reference.
- D.** Human Resources will provide material outlining Personnel Policies.
- E.** Human Resources will issue an identification card to the new employee.



### **2.13 Orientation of New Employees**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

All newly hired regular full-time employees or former employees rehired after a six (6) month separation will be oriented in order to accomplish the following objectives:

- A. To promote employee identification with the City.
- B. To set the stage for a high level of motivation by integrating the interests and goals of the City with those of the individual.
- C. To thoroughly acquaint the new employee with his/her new job.

#### **Procedure**

Human Resources will provide orientation materials for new employees. The new employee orientation will be conducted by Human Resources. Human Resources will be responsible for the content of the orientation program and materials.

The format may vary from time to time to account for the overall makeup of the new-hire group. However, the following will generally be covered:

- A. Explanation of City Services
- B. Employee Policies and Procedures
- C. Employee Benefits Program
- D. Fire, Disaster and Safety Program
- E. Explanation of Pay Periods
- F. Harassment Policy

The department head or supervisor is responsible for further orientation and training of the new employee.

- A. Hazard Communications.
- B. Material Safety Data Sheets.
- C. Tour of the facility where the employee works by their Department

- D.** Blood borne Pathogens.
- E.** Other training related to the position.

## **2.14 Harassment**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Prohibited Conduct**

The City of Huntsville is committed to providing a work environment that is free of discrimination and unlawful harassment. Harassment based on an individual's sex/gender, race, ethnicity, age, religion, or any other legally protected characteristic or sexual orientation will not be tolerated in the workplace, including telework arrangements, or in other work related settings, including, but not limited to, business trips, and business related social events.

Sexual harassment includes any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature toward members of either sex/gender when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

All employees are responsible for ensuring that no form of unlawful harassment occurs in their workplace. Employees should remain alert to any harassment that may be occurring and take immediate steps to stop it. Supervisors and managers should ensure that all employees have access to a copy of the City of Huntsville Harassment Policy.

### **Reporting of Harassment Required**

Any employee of the City of Huntsville who believes he or she has been subjected to harassment is expected to report the circumstances to their department head or to the Director of Administrative Services so that prompt preventative and corrective action may be taken. Employees may report allegations of harassment directly to their department head or to the Director of Administrative Services without first reporting the allegations to their supervisor or to the supervisor of the person who is allegedly committing the harassment. Harassment should be reported even if the source of the harassment is not an employee of the City of Huntsville.

Likewise, if a subordinate indicates to his or her supervisor that he or she has been subjected to harassment or has witnessed or otherwise has knowledge of such conduct, the supervisor must report the matter immediately to their department head or to the Director of Administrative Services. Managers and supervisors must report any incidents that they either observe or hear of that may constitute a violation of this policy.

All complaints of harassment will be promptly investigated, and corrective action will be taken as deemed appropriate under the circumstances. The department head and the Director of Administrative Services have the authority to fully investigate all matters relating to the complaint.

**Retaliation Prohibited**

The law prohibits retaliation against an employee who, in good faith, reports harassment or assists or cooperates in the investigation of allegations of harassment. Any threat of retaliation or attempt to do so should be reported immediately to either the department head or to the Director of Administrative Services.

**Policy Violations**

Violations of this policy by an employee, whether directed at another employee, an applicant for employment, a contractor or a member of the public will be grounds for disciplinary action, up to and including termination of employment.

## **2.15 Americans with Disabilities Act**

*Effective Date: 9-20-2005*

*Revision Date*

### **Policy**

The City of Huntsville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Director of Administrative Services or his/her designee will coordinate the City of Huntsville's efforts to comply with and carry out its responsibilities under United States Department of Justice regulations implementing Subpart A of Title II of the Americans with Disabilities Act (ADA). Information concerning the provisions of the American with Disabilities Act, and the rights provided hereunder, are available through Human Resources.

In order to provide for the prompt and equitable resolution of complaints alleging any action prohibited by the United States Department of Justice regulations implementing Subpart A of Title II of the Americans with Disabilities Act, The City of Huntsville has adopted the following grievance procedures.

### **Purpose**

Title II of the Americans with Disabilities Act states, in part, that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination" in programs, services, or activities offered by the City of Huntsville. The purpose of this policy is to provide for a fair investigation and the prompt and equitable resolution of complaints alleging violations of the Americans with Disabilities Act on the part of any agency or employee of the City of Huntsville.

### **Procedure**

Complaints should be addressed to the Director of Administrative Services, who has been designated to coordinate ADA compliance efforts.

- A. A complaint should be filed verbally or in written form, contain the name and address of the person filing it, and briefly describe the allegations of non-compliance by the City of Huntsville or any actions by the City of Huntsville that would be prohibited by, the United States Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act.
- B. A complaint should be filed within ten (10) calendar days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred prior to adoption of this grievance procedure will be considered on a case-by-case basis.)
- C. An investigation, as may be appropriate, shall follow a filing of the complaint. The investigation shall be conducted by the Director of Administrative Services or his/her

designee. Such investigations will be informal and thorough, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

- D.** A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Director of Administrative Services or his/her designee and a copy forwarded to the complainant no later than fifteen (15) calendar days after its filing.
- E.** Human Resources shall maintain the files and records of the City of Huntsville relating to the complaint(s) filed.
- F.** The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made in writing to the City Manager within five (5) calendar days of the resolution/findings.
- G.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- H.** These rules shall be construed to protect the substantive rights of interested parties to meet appropriate due process standards and to insure that the City of Huntsville complies with the ADA and implementing regulations.

## **Section III**

### **Hours of Work**

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### **3.01 Definitions of Workday and Workweek**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

The established workweek and the hours of work shall, insofar as practicable, be uniform within occupational groups and shall be established in accordance with the needs of the City and the reasonable needs of the public who may be required to do business with various City departments. The following definitions shall be standard:

- A. **Normal Workday** - The normal workday, for full time employees, shall consist of a minimum of eight (8) consecutive hours of work and sixty (60) minute meal during established work hours of an assigned shift. Variations to this will be approved through the City Manager's office.
- B. **Normal Workweek** - Forty (40) hours of actual attendance on duty shall constitute the minimum workweek for all regular full-time employees. The work period for all City employees is a seven day period beginning at 12:01 a.m. on Monday and ending at midnight the following Sunday. The standard work hours vary from division to division, but generally consist of either five (5) eight-hour days or four (4) ten-hour days as determined by the department head.

The Director of Public Safety, with permission of the City Manager, may approve a work schedule consistent with Texas Local Government Code § 142.0015.

#### **Procedure**

To insure uniformity of terms used and to provide a basis for establishing alternative schedules of work.



### **3.02 Hours of Work That Are Compensable**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

All elapsed time from the moment an individual actually commences work for the City until the work is finished, with the exception of time deducted for lunch or dinner, constitutes hours of work. Arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performs no duties for the City during such intervals. No work may be performed before or after an employee's scheduled hours of work without the express authorization of his/her department head or work supervisor.

Employees shall be compensated for overtime according to provisions established in Section 5.04 of these policies.

#### **Purpose**

- A. **Purpose of Policy** - The sole purpose of this policy is to provide a basis for the computation of straight time, overtime and to define hours of work. The City's pay records, practices, and other procedures shall govern the payment of all wages.
- B. **No Guarantee of Work** - Nothing in this policy shall be construed as a guarantee of hours of work. This policy is intended only as a basis for computing overtime consistent with the provisions of the Fair Labor Standards Act. This policy is not intended to establish a right to compensation in any form for time not worked except as specifically provided for in this policy.
- C. **No Pyramiding** - Compensation shall not be paid more than once for the same hours or any other benefit (certification pay, etc.) under any provision of this policy.

### **3.03 Scheduled Hours of Work**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

It is the expectation that regular business hours will be maintained, 8:00 a.m. to 5:00 p.m., Monday through Friday. All department heads are authorized to stagger, rearrange and adjust the hours of employment of their various employees in such a manner as to enable them to keep their offices and facilities open at all times required or to provide all required authorized services. Flextime, if approved by the City Manager, is available at the department head's discretion to allow for the option of varying an employee's starting and ending time each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the work supervisor involved and if the institution of flextime enhances the quality of the City of Huntsville's public service. The work schedule for each department shall be established by the department head or his/her designee. Where work schedules vary from normal business hours the department head shall maintain a record of the schedule. The work schedule and any change in hours of work shall be made available to Human Resources upon request.

Flextime is an employee privilege, neither a right nor a City wide benefit. Flextime is neither possible nor appropriate for every type of employment.

#### **Purpose**

- A.** To insure uniformity of work and pay for similar occupational groups.
- B.** To assure availability of authorized staffing.
- C.** To specify the number of hours and days of the week that employees are expected to work.
- D.** To provide a clear-cut basis for computing pay and overtime.

#### **Procedure**

- A.** Alternative work schedules are to be presented in such format as specified by Human Resources.
- B.** Alternative work schedules should be designed to minimize overtime compensation and to make the best use of available manpower.
- C.** Alternative work schedules should be presented along with the new fiscal year budget request of the department. It should accompany any request for overtime compensation account.
- D.** Human Resources will review the schedule to insure that it conforms to City policy and

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that adequate compensation and manpower is available for the proposed schedule. Human Resources may suggest alternatives to the proposed schedule should there be a more effective and less costly schedule.

**3.04 Hours of Work Compensable at Straight Time**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

City employees will be compensated according to their job classification at the approved rate of pay for all hours worked up to forty (40) per workweek.

Hourly pay classifications will be paid at the designated rate of pay for all work up to eight (8) hours per a day. Additional hours of work which are required beyond these normal work periods shall be compensated for in accordance with Section 5.04, Overtime Payments.

Exempt classifications will be paid on a salaried basis consistent with the Fair Labor Standards Act.

The Director of Public Safety, with permission of the City Manager, may approve a work schedule consistent with Texas Local Government Code § 142.0015.

Human Resources shall maintain time keeping records of which the Director of Finance will require conformity to the Fair Labor Standards Act.

Definitions of time worked for the purposes of calculating overtime payments shall conform to the Fair Labor Standards Act, the relevant regulations as published by the Wage and Hours Division of the United States Department of Labor and any subsequent amendments to either the Act or the Regulations.

### **3.05 Hours of Work Compensable at Overtime Premium**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

The City discourages overtime work out of consideration for the needs of the employees to have sufficient rest and relief. However, because of the around-the-clock nature of some of our facilities and the need to respond to emergency situations according to the nature of the public services provided, it may occasionally be necessary for employees to work overtime. Overtime may be paid under the following conditions:

- A.** After forty (40) hours have been worked in a standard workweek eligible employees may be paid overtime. For the majority of employees, overtime monetary pay will be provided to those employees in classifications designated to receive overtime at the rate one and one-half (1.5) times their regular hourly rate of pay. This may be provided after forty (40) hours are worked in a work week regardless of the hours worked in any one (1) day.
- B.** Overtime work must be authorized in advance by the department head or work supervisor. Overtime must be appropriated in the department's personnel budgeted overtime account in order to be properly authorized.
- C.** To determine eligibility for overtime compensation, any absence with pay during a work period shall not be considered as time worked.
- D.** Each department head requiring or permitting work beyond the normal work period shall make every effort to equally distribute such work among qualified employees.
- E.** Authorized overtime may be liquidated at the option of the employee at a rate of one and one-half (1.5) times the hours worked in excess of forty (40) worked hours. Compensatory time may be accumulated within the limits provided by the Fair Labor Standards Act and Section 5.04 of this policy.

#### **Purpose**

The purpose of this policy is to conform to the Supreme Court Decision in *Garcia vs. San Antonio Metropolitan Transit Authority* where the Supreme Court revisited and reversed its position on the issues raised in the *National League of Cities vs. Usury* decision. The Court has ruled that the minimum wage and overtime compensation provisions of the Fair Labor Standards Act (FLSA) are constitutionally applicable to the states and their political subdivisions.

These guidelines are published to conform to the provisions of the Fair Labor Standards Act and the Supreme Court decision extending FLSA rights to state and local employees.

**3.06 Waiting Time as Hours of Work**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

Certain City positions require waiting time before performance of work can commence. In computing hours worked waiting time is to be considered under the following conditions:

- A. **On duty** - Waiting time under the direction of an employee's department head during a scheduled workday shall be considered hours of work.
- B. **Off duty** - Waiting more than one-half (1/2) hour before or after a scheduled workday which the employee may use as his/her own time is not to be counted as hours of work.

**Purpose**

The purpose of this policy is to insure uniformity and adequate compensation in the treatment of all City employees.

### **3.07 Rest and Meal Periods as Hours of Work**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

City department heads have the authority to grant rest periods to their employees. Such periods of rest may not exceed fifteen (15) minutes and no more than two (2) may be granted in a normal workday. Employees may not leave their work facility during such periods of rest and can be called back to work at any time.

City department heads have the authority to grant meal periods of no less than twenty (20) minutes and no greater than one (1) hour in a normal workday. Employees who are granted a meal period are not to be paid for this time and may leave their work facility or duty area during such periods. Such time is to be considered the employee's time and they should not be assigned work tasks during the meal period. Employees assigned to positions requiring full-time attendance or who are "on duty" status during meal periods may be compensated. However, such employees may not be granted more than one-half (1/2) hour for meals and they may not leave their work facility or duty area for meals. This time is to be considered work time and they may be called upon or called back to work during such periods of time.

Employees may not combine rest or meal periods for the purpose of reducing their assigned work schedule unless authorized by the department head or his/her designee. For example, an employee may not work through his/her one (1) hour meal period and then leave work one (1) hour early.

#### **Purpose**

- A.** To provide City employees with essential time for rest and relief.
- B.** Employees who are paid for meal periods or rest periods are covered under Worker's Compensation and Liability Insurance periods during such periods. The City is responsible for their actions; therefore, department heads must maintain supervision and control over such employees. They should not leave the assigned work facility or duty area and shall be compensated for periods of time of one-half (1/2) hour or less.

**3.08 Working at Home (Exempt Position)**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

City employees will not be assigned work to complete at home unless such employees are in job classifications not eligible for overtime payment (see Section 5.04 for assignment of job classifications). No work performed at home is to be considered working hours for the purpose of monetary payment or compensatory time off.

**Purpose**

The purpose of this policy is to prevent abuse of overtime payments and to limit the City's liability when employees are not under direct control.



### **3.09 Meetings, Lectures and Training Programs**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

In computing hours of work, attendance at meetings, lectures and training programs are to be considered under the following conditions:

- A. **Involuntary/Mandatory Attendance** - Where attendance is required at such events, they are to be considered work hours as defined in Sections 3.01 to 3.05.
- B. **Voluntary Attendance** - Where attendance is not required; meetings, lectures and training programs will not be covered under overtime provisions of these policies. Consideration of attendance as hours of work is at the discretion of the department head; however, payment of either monetary or compensatory time off is only at straight time.
- C. **Training Directly Related to Employee's Job** - Only training directly related to the employee's job is to be considered as hours of work. Programs conducted for the personal edification and/or entertainment of employees will not be considered time worked.
- D. **Independent Training** - Training in which the employee participates on his/her own even though it may be job related is not to be considered as hours worked.
- E. **Hourly (Non-Exempt)** - An employee who is sent out of town for one day need not be paid for time spent in traveling from home to the local railroad, bus depot, or plane terminal but must be paid for all other travel time (except any time spent during meal time while traveling). Employees who drive overnight are considered working the entire time they are driving.

When employees travel overnight on business (i.e., for more than one day), they must be paid for time spent in traveling (except for meal periods) during their normal working hours on their non-working days, such as Saturday, Sunday, and holidays, as well as on their regular working days. Travel time as a passenger on an airplane, train, boat, bus, or automobile outside of regular working hours is not considered work time by the Wage and Hour Division of the Department of Labor (29 C.F.R. §785.39).

### **3.10 Travel Time as Hours of Work**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

In computing hours worked, travel time is to be considered under the following conditions:

- A. **Work Performed While Traveling** - If work is directly performed while traveling, that time is to be considered time worked as defined in Sections 3.02 to 3.05. For example, a Police Officer assigned to transport a prisoner out of state is to be paid for that travel time during which the prisoner is in his/her custody.
- B. **Travel All in a Day's Work** - If the job requires travel during the hours of scheduled work whether it be in a City-owned vehicle or the employee's vehicle that time is included as work time. For example, an Inspector required to travel from site to site or a Police Officer on patrol. Travel time in these circumstances is work time.
- C. **Travel Away From Home Exempt Employees** - Travel time away from home is not to be considered work time beyond scheduled periods of work unless work is being performed while traveling. For example, an employee traveling to a training program in Dallas is not to include travel time as additional hours of work. An employee traveling to a meeting or convention away from his/her home should not consider such time as additional hours of work. This shall be true whether a private vehicle or a City-owned vehicle is used.
- D. **Home to Work or Work to Home in Different Situations** - Home to work or work to home is not considered hours of work. This applies in an emergency situation or in an ordinary workday. Employees are to consider travel to work or home after work as their own time.
- E. **Independent Training** - Training in which the employee participates on his/her own even though it may be job related is not to be considered as hours worked.

### **3.11 Medical Attention as Hours of Work**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

City employees who receive medical attention at the direction of the City shall consider such time as hours of work. However, any additional medical treatment or confinement after the first occurrence shall not be considered hours of work. Other leave provisions as defined in Section 4.05 must be used.

#### **Purpose**

The purpose of this policy is to insure that employees who are injured on the job or who are directed to receive a physical examination are compensated. This does not include pre-employment physicals or medical attention after initial treatment for an injury. For example, if an employee is injured at the start of his/her workday and is taken to receive medical attention, waits for treatment and is hospitalized, that entire day should be paid him/her. However, additional days after that should not be considered hours of work. If the City directs an employee to receive a physical examination in line with a physical standards policy such time spent by the employee is to be considered hours worked.

### **3.12 Telework**

*Effective Date: 9-20-2005*

*Revised Date:*

#### **Policy**

While attendance at the City of Huntsville work site is an essential function for many positions, teleworking is a management tool that the City of Huntsville departments may use to enhance the quality of the City of Huntsville's public service. Teleworking places a substantial responsibility on the employee to maintain his/her unquestionable standards of personal integrity, truthfulness, honesty and fairness but at the same time, when used properly, teleworking may prove beneficial to the public, department and the employee.

#### **Purpose**

- A. Only full-time employees who have completed their introductory period are eligible for consideration under this policy.
- B. Designation to a teleworking assignment is a matter of departmental discretion. Teleworking is an employee privilege, not a right, nor a City-wide benefit. Teleworking is neither possible nor appropriate for every type of employment.

#### **Definitions**

- A. **Full-time Teleworker** - Employee who does not have dedicated workspace on City property, but may have shared workspace at the primary work location or an employee who teleworks on a regular basis of at least four (4) or more business days per month.
- B. **Part-time Teleworker** - Employee who has dedicated workspace on City property and who teleworks on a regular basis of one (1) or more business days per month but less frequently than four (4) business days per month.
- C. **Occasional Teleworker** - Employee who has dedicated workspace on City property and who teleworks on an as needed basis; or on a regular basis of less than two (2) business days per month.
- D. **Teleworking** - Working at a location other than the primary work location. This includes the employee's home, a public library, a satellite office, etc. The employee may but is not required to use a form of telecommunication (radio, telephone, mobile phone, etc.) or computer equipment.
- E. **Teleworking Agreement** - Written statement containing the terms and conditions for teleworking.

**Policy Guidelines**

**A.** Teleworking may be appropriate:

1. To improve the quality and quantity of public services and control costs thereof;
2. To facilitate early return-to-work, reducing costs of disability; and or
3. As used in conjunction with an accommodation under the Americans with Disabilities Act (ADA) or a need for intermittent leave under the Family Medical Leave Act (FMLA). Teleworking will only be considered a reasonable accommodation when the employee can perform the essential functions of their position at an alternate work site, and the teleworking arrangement would not cause undue hardship for the department or reduce employee productivity.

**B.** Teleworking is a management option and will be approved only for the completion of business goals and not solely for the convenience of the employee.

1. Effective and measurable performance management is assumed and is essential. Teleworking will not be permitted if an employee is experiencing performance-related deficiencies or is currently on or has been on a work improvement plan during the proceeding twelve months.
2. An employee's participation is entirely voluntary. The department head may terminate the teleworking agreement(s) at any time without cause or notice.
3. Teleworking schedules will be set by the department head or his/her designee in accordance with the needs of the department.
4. The employee will return all City of Huntsville equipment in good unaltered condition upon request or termination of the teleworking arrangement. Subject to applicable laws the City of Huntsville may obtain an order from a court permitting entry into the alternate work site to recover any of its property that is not returned. Employees will be responsible for replacing or repairing any City of Huntsville property or equipment that is damaged at the alternate work site.
5. The employee will make dependent care arrangements so that they are not responsible for providing primary care to a child under the age of six during the time that they are scheduled to be working at the alternate work site. The employee is required to maintain a quiet and professional work environment during work hours and be available through some form of communication.
6. Each teleworker will sign and abide by a teleworking agreement which sets forth the terms and conditions of the teleworking arrangement.

### *Employee Policies and Procedures, Section 3*

7. Terms and conditions of employment do not change as a result of teleworking. The employee's salary, benefits, and insurance coverage shall not change as a result of teleworking unless there is a change in number of hours worked or there is a change in duties or position. Compliance with all current and future City of Huntsville Policies and Procedures is required of each teleworker.
8. Employees who are compensated for working overtime must receive written authorization from their supervisor prior to working any overtime hours. If there is an emergency situation and prior written authorization is not feasible the employee shall obtain verbal authorization from their supervisor prior to beginning the overtime work. The employee and supervisor are encouraged to use flexible scheduling within the same workweek to minimize the use of overtime. Unauthorized overtime hours worked by a non-exempt employee are still hours worked and must be compensated; however, disciplinary action may be taken with regard to an employee who works unauthorized overtime.
9. The alternate work site during the approved teleworking schedule is considered an extension of the employee's office for workers' compensation purposes. The employee is responsible for maintaining the alternate work site in a safe condition, free from hazards and other dangers to the employee or to City property and equipment. On-site inspections may be conducted at any mutually agreed upon time in order to verify that the work place meets safety/other requirements and for routine and emergency maintenance of telecommuting systems. The City of Huntsville is not liable for any injuries and/or accidents exclusive of any approved workers' compensation claim that may occur in the alternative work location.
10. The following expenses may be reimbursed if they are approved by the employee's department head. The City of Huntsville procurement policies must be followed for all purchases.
  - a. Office supplies that are not readily available from the department and that are not for personal use; or
  - b. Business telephone calls that are not paid by the employee's personal phone services and that are required to complete the employee's assigned duties.

The following expenses are not considered reimbursable:

- a. Any costs related to remodeling or refurbishing the alternate work site;
- b. Commuting expenses between the alternate work site and the primary work location;
- c. All household or vehicle related expenses such as rent, lease, or mortgage payments, heating, fuel, and electricity;

- d. Supplies that are also used for personal use; and
  - e. All other expenses not expressly approved by the department head, this policy or other administrative policy.
11. No agreement shall include any improvements or additions to an employee's owned or leased assets, including the residence, computer, vehicle or any other property.
12. Teleworkers are responsible for providing the same protection of City information and property away from the office as he/she would in the office. Teleworkers must comply with the City of Huntsville Electronic Communications Policy 9.05 of these policies at all times.
- a. City of Huntsville data must be kept in separate directories or folders. If not on the City's network data must be regularly backed up on removable computing media clearly marked as City of Huntsville property.
  - b. City of Huntsville equipment is to be used only by City employees. Personal use of City of Huntsville equipment and software is prohibited.
  - c. All City information and network connections must be secure before leaving the work area or equipment.
  - d. Any software used for City business must be properly licensed and cannot be copied unless copying is explicitly permitted by the software's licensing agreement.
13. Teleworkers are required to comply with all current and future policies regarding software licensing, systems security, and other information systems requirements, public and confidential information, telecommunications, remote access (voice and/or data), record retention schedules, and e-mail.

### **Procedure**

Supervisors and employees complete the teleworking agreement and submit it to the department head for approval.

- A. Department heads, with the City Manager's concurrence, are responsible for approval of teleworking agreements.
- B. Copies of any teleworking agreement(s) are to be forwarded to Human Resources within thirty (30) calendar days of commencement. Human Resources may conduct audits and/or reviews of teleworking arrangements.

**Responsibilities**

**A. Department Head/Supervisor:**

1. Continue normal management activities including performance planning and review, career development, training and other normal communications.
2. Continue to meet or exceed service delivery expectations with the use of teleworking as a management tool.
3. Ensure FLSA rules are enforced where applicable for FLSA non-exempt employees.
4. Establish procedures for obtaining prior authorization to work overtime.
5. Actively support all teleworking efforts that are in support and compliance of this policy.
6. Ensure employees and supervisors have access to and read, understand and comply with all other plans, policies, etc. that may be applicable to teleworking such as procurement, information technology, performance management, compensation, etc.
7. Ensure teleworking agreements meet the necessary requirements; make good business sense; and meet the policy criteria.
8. Maintain and update all teleworking agreements and any other required forms.
9. Manage inventory assigned to employees.
10. Submit all required reports and agreements as may be required by Human Resources.

**B. Employees:**

1. Read, understand and comply with this policy, teleworking agreement, and any applicable guidelines.
2. Read, understand and comply with all other plans, policies, etc. that may be applicable to teleworking such as procurement, information technology, performance management, compensation, etc.
3. Complete and sign teleworking forms and agreements.
4. Agree to an appropriate level of communication with supervisors.
5. Ensure the alternate work environment is free from hazards to complete tasks in a



safe manner.

6. Safeguard proprietary (intellectual property or ownership) or sensitive (confidential or private) information regardless of form, and all City owned equipment and property.
7. Learn and comply with applicable federal and state laws regulating in-home offices; tax laws, state and local zoning ordinances; and covenants, clauses and restrictions for subdivisions.
8. Report any accident, data or equipment loss and/or damage immediately to your work supervisor and Training/Risk Coordinator.

C. **The City Manager** - Serves as the final source review and approval of each teleworking agreement and must approve any changes or exceptions to this policy.

**Section IV**

**Leaves of Absence**

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#### **4.01 Paid Holidays**

*Effective Date: 9-20-2005*

*Revision Date: 01-22-2008*

##### **Policy**

- A.** The following days are authorized holidays granted by the City:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King's Birthday	January 15 <sup>th</sup>
Good Friday	The Friday before Easter Sunday
Memorial Day	May 30 <sup>th</sup>
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25 <sup>th</sup>
Additional Christmas Holiday	Designated by City Council

New Year's Day, Martin Luther King's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day and the additional Christmas Holiday are all fixed holidays.

- B.** When a fixed holiday falls on Sunday, the following Monday shall be observed as the holiday. When a fixed holiday falls on Saturday, the preceding Friday shall be observed as the holiday. When a fixed holiday falls on an employee's regularly scheduled day off, the employee will accrue eight (8) hours of holiday time. No employee may carry over more than thirty two (32) hours in a calendar year.

In departments which have twenty-four (24) hour per day operation, a holiday shall be observed from midnight to midnight on the calendar date of the holiday. If half of the hours worked for any work shift period fall on the holiday, the complete work period shall be considered as time worked on the holiday. If less than half of the hours worked falls on the holiday, the complete work period shall be considered as a normal workday.

- C.** Employees who observe a religious holiday on days which do not fall on Sunday or an official City holiday should use compensatory time, vacation, or unused holiday time. However, if the employee does not have compensatory time or vacation leave accumulated, such religious holidays may be taken without pay upon the approval of the department head
- D.** An employee must have worked or have been on authorized paid leave for the workday

before and after the paid holiday. An employee must be on the payroll on the workday immediately preceding and on the workday immediately following a holiday to be eligible for that holiday. On the payroll means employed by the City and not on a leave of absence without pay.

- E.** Regular part-time employees shall be compensated for holidays, according to hours of work that are normally scheduled for that workday. The holiday must fall on a day normally scheduled as a workday for regular part-time employees to be eligible for compensation.
- F.** Holiday compensation shall be paid to the employee at their regular rate for the hours worked during a fixed holiday. The holiday may be compensated by utilizing one of the following methods which shall be at the discretion of the department:
  - 1. An alternate day off may be taken during the pay period in which the holiday occurs;
  - 2. Employee will accrue eight (8) hours of holiday time. No employee may carry over more than thirty two (32) hours in a calendar year.
  - 3. Eight (8) hours at a straight rate of pay versus taking the holiday.
- G.** If an employee is required to work hours beyond their normal scheduled workday during an established workweek in which the employee received holiday pay, they shall be compensated for the additional hours in accordance with Policy 3-5.
- H.** When a holiday falls within a period of paid leave, (i.e. sick leave, vacation leave, etc.) the holiday shall not be counted as a workday in computing the amount of leave time deducted.
- I.** Employees assigned or volunteering to work such days as authorized by their department head(s) may take another day off within the same pay period as subject to the approval of the supervisor.

### **Purpose**

The purpose of this policy is to standardize holiday scheduling and compensation. This policy should be equitably applied to all City employees.

### **Procedure**

Holiday time shall be posted no later than the pay period following the time in which the holiday leave was taken. For hourly workers, the time will be recorded on the time card/sheet and posted on the Payroll Form. For exempt employees, holiday leave is to be posted on the Payroll Form.

#### **4.02 Vacation Leave**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

##### **A. Accrual Rates:**

1. Regular full-time employees, except members of the Police Department or Fire Department as those terms are defined in Texas Local Government Code § 142.010, accrue vacation leave credit on a bi-weekly basis at the following rates (according to years of active and continuous service):

<u>Years of Service</u>	<u>Vacation leave Per Year</u>	<u>Accrual per Pay Period</u>
0-9	10 Days	3.0770 Hours
10-15	15 Days	4.6154 Hours
16	16 Days	4.9231 Hours
17	17 Days	5.2308 Hours
18	18 Days	5.5385 Hours
19	19 Days	5.8462 Hours
20+	20 Days	6.1539 Hours

2. The City Manager, at his/her discretion, may recognize non-City years of service for the purpose of computing vacation and offer up to three weeks accrual per year of vacation leave time to senior management level employees when necessary to recruit or retain the best qualified candidate for a City position.
3. New employees become eligible to use accrued vacation leave credit upon satisfactory completion of their introductory period (see Section 2.04-B). At that time, vacation leave credit will be applied retroactively to the date the employee started working for the City.
4. Regular part-time, temporary full-time and temporary part-time employees do not accrue vacation leave credit.
5. Employees will not accrue vacation leave credit while they are on an unpaid leave (including but not limited to unpaid FMLA leave, extended medical leave, or personal leave of absence) or when they are receiving disability payments. Also, the employee's accrual rate for vacation leave credit will be based on the time that the employee has been on the City payroll. If the employee has been on an unpaid leave or on disability leave, that time will not be counted when figuring the employee's length of service and accrual rate.

**B. When Vacation Leave may be Taken:**

No employee may take vacation leave within the first six calendar months of employment or while the employee is still serving his introductory period (even if the introductory period is extended beyond six months). Any employee who has satisfactorily completed his/her introductory period may take vacation leave as it is accrued, under conditions established by his/her department head in accordance with this section.

If an employee leaves City employment before satisfactorily completing his/her introductory period, the employee will not receive payment for his/her accrued vacation leave credit.

1. Employees should submit their request for vacation leave to their department head at least three days in advance of the intended absence and indicate the date and duration of the leave time requested. Department heads may require this notification in writing. Department heads may waive this notification in emergency situations when advance approval cannot be obtained. Department heads may deny a leave request if it interferes with the efficient and effective operation of his/her department or the City. Leave time should be scheduled so that temporary help is not required nor are overtime payments made to present employees. Supervisor may, at their discretion, require leave to be taken.
2. If a holiday occurs during an employee's vacation leave period, an additional day of vacation leave time will be allowed.
3. Employees with less than ten (10) years of continuous City service may accumulate up to a maximum of one hundred and sixty (160) hours; employees with ten (10) or more years of continuous City service may accumulate up to a maximum of 200 hours. At the end of the calendar year any vacation leave balance in excess of these maximums is reduced to the maximum without compensation. It is the responsibility of the employee to keep track of available time. department heads may, with concurrence of the City Manager, designate key employees who may exceed the hour maximum for one year. The employee's personnel record will reflect the exception.
4. Employees who are eligible for vacation leave may take such time and split it into separate increments, but at no time shall leave credit be split into less than one-half (1/2) hour.
5. Vacation leave time may be applied toward the use of the Family and Medical Leave Act. Please see Section 4.06 for more details.
6. Transfers: An employee who transfers from one City department to another City department shall retain vacation leave accrued and remain in continuous service for purposes of earning future vacation leave. The department from which he/she transferred shall certify, in writing, the leave balance as of the date of transfer.

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7. Terminations: Upon the termination of an employee eligible to use vacation leave, (i.e., one who has successfully completed his/her introductory period and has been actively employed a minimum of six (6) consecutive calendar months will be paid all accumulated leave credit on his/her final paycheck.

Employees eligible for vacation leave who terminate their employment because of death or retirement shall receive payment for any unused vacation leave on his/her final paycheck.

#### **4.03 Military Training Leave and Military Leave of Absence**

*Effective Date: 9-20-2005*

*Revision Date:*

##### **Policy**

Military Leave will be granted to employees in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 (Title 38 U.S. Code, Chapter 43).

##### **Purpose**

The purpose of this policy is to encourage participation and support of the uniformed services. The City encourages its employees to participate in the exercise of patriotic duty. This policy holds true for employees whether they joined before or after employment with the City. This policy covers all employees who serve in the uniformed services and includes the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

##### **Procedure**

###### **A. Pay and Benefit Time Considerations:**

For those employees who comply with the notice requirements described under Training Orders below, the City will grant regular full-time employees military leave with pay up to fifteen (15) day per year. The City will grant military leave without pay according to Texas and Federal laws.

Employees may, but are not required to, use their vacation leave while attending annual training or are on a military leave of absence. Vacation leave and/or sick leave, however, will not be accrued during a military leave of absence. Employees should contact Human Resources for further benefits information especially if the length of military leave exceeds thirty (30) days.

###### **B. Training Orders:**

Employees who serve in the reserves must submit their annual military training schedule to their supervisor as soon as it is received by the employee. At the very latest, the employee must submit their schedule to their supervisor two weeks before the first date that the employee is scheduled to report for duty. The schedule that the employee submits must be typed on official military letterhead and must be signed by the base commander. The commander's rank and telephone number must be clearly stated on the schedule. Employees are responsible for ensuring that their supervisor has received a copy of their schedule.



#### ***Employee Policies and Procedures, Section 4***

If an employee volunteers or is ordered to attend training that is not included on their annual military obligation schedule (such as an employee's two week training leave) the employee must give their supervisor a copy of their written orders at least two weeks in advance of the need for leave so that the request can be verified with the employee's base commander. The reporting dates for such training must be typed on official military letterhead and signed by the employee's base commander. Employees will be excused from the above notice requirements if their ability to give notice was precluded by military necessity or for other reasons outside the employee's control. When such situations arise, the employee must immediately notify their supervisor so that he/she can contact the employee's base commander to confirm the reasons precluding the employee's ability to give notice.

#### **C. Reporting Back to Work:**

If an employee is absent from work for military service that lasted from one (1) to thirty (30) days, the employee can be required to report to his / her supervisor by the beginning of the first regularly scheduled work day that falls eight hours after the end of the last calendar day for military service. For example, if an employee is on military service until 10:00 pm on December 1, the employee can be required to report to work for the 6:00 am shift on December 2.

If an employee has been absent for a period of service of thirty-one (31) days or more, the employee may, in accordance with the Uniformed Services Employment and Reemployment Rights Act, be required to submit documentation showing that their application for re-employment is timely, that they have not exceeded the five-year service limitation and that their separation from service was not for a disqualifying reason under Section 4304 of the USERRA.

**4.04 Jury Duty or Required Attendance in Court**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

- A.** Upon notice to the department head, regular full-time or part-time employees shall be permitted authorized absence from duty for appearance in court because of jury service in obedience to subpoena or by direction of proper authority.
- B.** Said absence from duty will be with full pay for each day the employee serves on jury duty or testifies as a witness, other than as a defendant, including necessary travel time, and the employee may retain any fees paid by the courts.
- C.** Attendance in court in connection with an employee's usual official duties or in connection with a case in which the City of Huntsville is a party, together with travel time necessarily involved, shall not be considered absence from duty within the meaning of this policy.
- D.** Said absence from duty will be without pay when an employee appears in private litigation to which the City of Huntsville is not a party.

**Procedure**

Upon notice to the department head regular full-time or part-time employees shall be permitted authorized absence from duty for appearance in court. A copy of the notice will be given to the department head.

#### **4.05 Sick Leave**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

##### **Policy**

The sick leave program enables eligible employees to accrue benefit time to be used in the event of illness or serious injury. If an employee has accrued sick leave benefits, he/she will be paid for approved absences that occur during normally scheduled work hours. Employees may use their accrued sick leave for their own health condition or to care for an immediate family member who requires the employee's care and attention. (See Section 4.06 on FMLA leave for definition of "immediate family member".) Sick leave may not be used as a substitute for vacation leave or for hours that the employee was not scheduled to work.

Sick leave may be used for time missed due to medical appointments if the employee receives prior approval from his/her department head or designee, and the appointment is scheduled so that it is not unduly disruptive of the employee's work schedule or the department's operations.

Employees may start to use their accrued sick leave benefits once the employee has worked one full calendar month of employment with the City.

##### **Rates of Accrual**

Sick leave benefits will accrue on a bi-weekly basis.

Eligible full-time employees will accrue one (1) sick day for each month worked.

The following employees will not accrue sick leave benefits: employees who are regular part-time and temporary; employees who are on an unpaid leave of absence (including but not limited to unpaid FMLA leave, extended medical leave of absence, or personal leave of absence) and employees who are receiving disability benefits.

Accumulation of sick leave credits will be limited see Section 4.05 ( I ). The City will not restore sick leave credits upon rehiring.

##### **Procedure**

- A. To receive compensation for sick leave, an employee must notify his/her department head or designee of his/her intended absence prior to the start of each workday that the employee will not be at work. If an employee misses more than one day of work, the employee is still required to call in prior to the start of each workday unless the employee has been placed on an approved FMLA leave or medical leave of absence. If an employee is requesting to use sick leave for a medical appointment, the employee must notify his/her department head or designee as soon as the appointment is scheduled.

#### ***Employee Policies and Procedures, Section 4***

When giving notice of an intended absence, the employee must comply with any policy or order issued by his/her department head or designee regarding the time and manner of notification. Failure to comply with the department's policy or order may result in the denial of sick leave benefits and/or disciplinary action. Employees who fail to comply with notification requirements may be considered absent without approved leave.

- B.** Upon request, the employee may be required to submit a physician's statement to verify that the employee was under doctor's care and/or to confirm that the employee is fit to return to duty and can perform the essential functions of his/her job. If an employee has received work restrictions from a physician, the employee must communicate those restrictions to his /her department head before the employee returns to work.

Failure to provide a physician's statement or requested documentation may delay the employee's return to work and may result in disciplinary action and/or the denial of paid benefit time.

- C.** Prior to returning to work, an employee may be required to have a fitness for duty examination conducted by a physician of the City's choosing and at the City's expense. Requests for fitness for duty examinations must be approved by Human Resources.
- D.** A department head or designee may direct an employee who appears ill to leave work to protect the health of other employees.
- E.** An employee may be disciplined and/or denied the use of paid benefit time if the employee's attendance record reflects an abuse of sick leave. Evidence of such abuse may include, but is not limited to, a pattern of missed Mondays and/or Fridays (i.e. first or last day of the work week) or of attempts to use sick leave the day after and/or the day before a regularly scheduled day off (i.e. a paid holiday, vacation day, compensatory day, personal day after or a combination thereof) or any other pattern of excess use of sick leave.
- F.** A department head or designee, with the concurrence of Human Resources or his/her designee, may direct an employee to leave work if there is reason to believe that the employee is unable to perform the essential functions of his/her job with or without a reasonable accommodation or if the employee has presented work restrictions that prevent the employee from performing the essential functions of his position with or without a reasonable accommodation. If the employee does not have benefit time available to cover such an absence, the absence may be unpaid.
- G.** If an employee misses more than three (3) consecutive calendar days from work due to an illness or injury that appears to qualify as a serious health condition, the City may place the employee on a designated FMLA leave and require the employee to comply with the requirements of the City's FMLA policy. (See Section 4.06-A, FMLA for further details.)
- H.** Sick pay for hours not worked will be excluded when computing eligibility for overtime for the workweek in which it is taken.

*Employee Policies and Procedures, Section 4*

- I. Unused sick leave will be accumulated in the employee's sick leave bank and the balance may be carried forward for use in subsequent years. Unused sick leave time in any one year shall be cumulative up to a maximum of 720 hours.

**Compensation for Unused Sick Leave**

**Reimbursement at the End of Employment** - Employees who leave the City of Huntsville with at least five (5) years of continuous service who are separated for any reason including disability or retirement will be reimbursed at the rate of eight (8) hours for every twenty four (24).

Sick leave credits are not transferable between employees but may be donated to the Employee Sick Pool.

#### **4.06 Leaves of Absence**

*Effective Date: 9-20-2005*

*Revision Date:*

##### **Policy**

City of Huntsville regular full-time and part-time employees may apply for the following types of leaves of absence:

- A. **Family Medical Leave Act (FMLA)**
- B. **Extended Medical Leave**
- C. **Temporary Personal Leave**

##### **Procedures**

##### **A. FAMILY MEDICAL LEAVE ACT (FMLA):**

1. **Eligibility Requirements** - An employee who has been employed for at least one (1) year, and has worked for the City for at least 1,250 hours during the preceding 12-month period, is eligible for up to twelve weeks of FMLA leave per twelve month period if the employee is unable to work due to a serious health condition or if the employee needs leave for any of the following reasons:
  - a. For the birth of the employee's child and in order to care for the newborn child;
  - b. For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
  - c. To provide care for an immediate family member (spouse, child, or parent but not "parent in-law") who has a serious health condition. (Note: the term "child" means a son or daughter under the age of 18. Adult children are not included unless the adult child is incapable of self-care due to a physical or mental disability.) (The terms "parent", "son" and "daughter" will be as defined by Federal regulations under 29 CFR 825.113)

The entitlement to leave for a birth or placement of a child for adoption or foster care expires twelve (12) months from the date of the child's birth or placement. Any such FMLA leave must be concluded within this one-year period. Unless medically necessary, such leave may not be taken in segments or intermittently without the written approval of the employee's department head.

A "serious health condition" means an illness, injury, impairment, or physical or

mental condition that involves:

- a. Inpatient care (i.e. overnight stay) in a hospital, hospice, or residential medical facility or any period of incapacity or subsequent treatment in connection with such inpatient care; or
- b. Any period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to such condition, that also involves either:
  - (1) Treatment for two (2) or more times by a health care provider, nurse or physician's assistant or by a provider of health care services under orders from, or on referral by a health care provider; or
  - (2) Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
- c. Any period of incapacity due to pregnancy or prenatal care that involves continuing treatment by a health care provider; or
- d. Any period of incapacity or treatment for incapacity due to a "chronic serious health condition" that continues over an extended period of time, requires periodic visits to a health care provider and may cause episodic rather than continuing periods of incapacity; or
- e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- f. Any period of absence to receive multiple treatments (including any period of recovery) by, or on referral by, a health care provider either for restorative surgery after accident or injury or for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

The 1,250 hours required for eligibility includes only those hours actually worked for the City and does not include time spent on paid leave, unpaid leave, disability leave, or FMLA leave.

For purposes of this policy, the determination of whether an employee qualifies for FMLA leave will be based on the definition of "serious health condition" contained in Federal regulations under 29 CFR 825.114.

2. Placement of Employees on Family Medical Leave - An employee who is eligible or who appears to be eligible for FMLA leave may be placed on FMLA leave by the City even if the employee has not applied for such leave. Examples of situations where an employee may be placed on FMLA leave include, but are not limited to the following:
  - a. The employee has missed more than three (3) consecutive calendar days from work due to an illness or injury (including a workplace injury) that appears to qualify as a serious health condition as defined above.
  - b. The employee has provided the City with work or light duty restrictions that prevent the employee from performing any one of the essential functions of the employee's position.
  - c. The employee has been approved for disability leave, worker's compensation payments or has requested a leave of absence for medical reasons.

Employees who are placed on FMLA leave will have their time off counted against their twelve weeks of leave entitlement even if they are using paid benefit time or are receiving worker's compensation payments or disability payments during their absence from work. The start date of the employee's FMLA leave may be retroactive to the first workday missed due to the serious health condition. If the employee is on a disability leave, a medical leave of absence or on leave due to an occupational injury, that leave will run concurrently with the employee's FMLA leave until the FMLA leave is exhausted.

If the City designates missed time as FMLA leave, the employee will be required to submit documentation and a completed medical certification within a specified time period as defined in 5-b (Application for FMLA Leave). If an employee fails to submit the documentation and/or certification within that designated time period or submits incomplete documentation and/or certification and does not provide an acceptable explanation, the employee may be subjected to discipline, denied further leave and/or denied the use of paid benefit time.

3. Length of Family Medical Leave - An employee who is eligible for FMLA leave may receive up to a total of twelve (12) weeks of FMLA leave per 12-month rolling time period. The 12-month rolling time period is determined by measuring backwards from the date the employee is placed on FMLA leave. In determining eligibility and how much FMLA leave an employee may be entitled to, the City will subtract any FMLA time that the employee used during that preceding 12-month time period. (For employees who are placed on FMLA leave, the start date of their FMLA leave may be retroactive to the first workday that the employee missed due to their serious health condition.)

Where both spouses work for the City, they may, at the City's discretion, be



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limited to a combined total of twelve (12) weeks of FMLA leave if they are seeking leave for (1) the birth and care of a child; or (2) for the placement of a child for adoption or foster care, and to care for the newly placed child.

4. Use of Paid Benefit Time While on Family Medical Leave - Time off under the Family Medical Leave Act is unpaid unless the employee has benefit time available or is receiving worker's compensation or benefits. If an employee has benefit time available, the employee will be required to use his or her accrued sick leave, holiday hours, compensatory time and vacation leave time, in that order. However, if an employee qualifies for disability payments, the employee will not be required to use his paid benefit time once he/she satisfies the waiting period. If the employee stops receiving disability payments or worker's compensation payments while the employee is still on FMLA leave, the employee will then be required to use any available paid benefit time for the remainder of the leave.

Personal leave time under Section 4.06 may not be used for FMLA leave. Employees on FMLA leave will not accrue benefit time or seniority during the time the employee is on unpaid status or is receiving disability payments.

5. Applying for FMLA Leave:

- a. Notice of Leave:

An employee intending to take FMLA leave because of an expected birth or placement of a child, or because of a planned medical treatment, must submit an application for FMLA leave at least thirty (30) calendar days before the leave is to begin. If the need for leave was not foreseeable and the leave is to begin less than thirty (30) calendar days from the date of application for such leave, the employee must give notice to his immediate supervisor and Human Resources as soon as the employee learns of the need to take FMLA leave.

Failure to give timely notice may delay the start of leave and may result in the denial of paid benefit time and/or disciplinary action.

- b. Application for Leave:

An employee requesting leave must complete the prescribed "Application for Family and Medical Leave", and submit a medical certification from the employee's (or family member's) health care provider confirming the existence of a serious health condition and the duration of the expected leave. Both the application and the medical certification should be submitted directly to Human Resources. Copies of the application will then be forwarded to the attention of the department head for approval. The FMLA application must be approved by both the department head and Human Resources.

The medical certification for the employee's own serious health condition must state the following:

- a. The date on which the serious health condition began, the probable duration of the serious health condition and the date the employee can be expected to return to work;
- b. The appropriate medical facts regarding the condition;
- c. If additional treatments will be required for the condition, an estimate of the probable number, frequency and duration of such treatments;
- d. Whether the employee is unable to perform any one or more of the essential functions of his job, including any specific functions that the employee is unable to perform; and
- e. If the certification is for intermittent leave for planned medical treatment, the certification must also state the dates of which such treatment is expected to be given and the duration of such treatment.

An application for leave based on the serious health condition of the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the following:

- a. The date of which the serious health condition commenced, the probable duration of the serious health condition and the date the employee can be expected to return to work;
- b. The appropriate medical facts regarding the condition;
- c. Whether the patient requires assistance and how the employee's presence would be beneficial; and
- d. An estimated amount of time (frequency and duration) that the employee is needed to care for the family member.

Within fifteen (15) calendar days of receiving the medical certification form from Human Resources, the employee must submit a completed copy of the form to Human Resources. If the certification form does not state an actual or estimated return to work date, the form will be returned to the employee for completion. The employee may also be required to complete and submit the Application for Family and Medical Leave within five (5) calendar days from the date that the employee receives the form from Human Resources.

If the application and certification forms are mailed to the employee's address on file, they will be presumed to have been received by the employee within three (3) days of being mailed by Human Resources.

If an employee fails to complete the application or medical certification in full or fails to submit the application or medical certification within the designated time frames, the employee may be treated as absent without approved leave and the employee's leave may be delayed or denied. The employee may also be subjected to disciplinary action and/or denied the use of paid benefit time.

The City may, at its own expense, require an employee to obtain a second medical opinion from a health care provider chosen by the City to confirm the existence of a serious health condition. The City further reserves the right to require recertification of the serious health condition during the employee's leave and/or to require periodic reports on the employee's return to work status.

This entire section ("Applying for FMLA Leave") also applies to those employees who are placed on a designated FMLA leave by the City.

6. Intermittent Leave - FMLA permits employees to take leave on an intermittent basis (not all at one time) when medically necessary to care for a seriously ill family member, or because of the employee's own serious health condition.

For an employee to be eligible for intermittent FMLA leave, there must be a medical need for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent leave schedule. The treatment regimen and the information contained in the medical certification of a serious health condition must meet the requirements for certification of the medical necessity of intermittent FMLA leave. For an on-going serious health condition, employees will be required to provide periodic recertification of the medical necessity of intermittent FMLA leave. Requests for intermittent FMLA leave must be approved by the employee's department head and Human Resources.

Employees needing intermittent leave must attempt to schedule their leave so as not to disrupt the City's operations. The department head may temporarily assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent schedule. If the employee has accrued benefit time available, he or she will be required to use their sick leave, floating holiday hours, compensatory time and vacation leave time, in that order, to cover their absences. After their accrued benefit time is exhausted, the remainder of their FMLA leave will be unpaid. Personal leave time may not be used for intermittent Family Medical Leave.

Intermittent leave will only reduce the amount of allotted Family Medical Leave time by the amount of time actually taken (for example, if an employee takes four (4) hours of leave, he/she has only used four (4) hours of the twelve (12) weeks allowed).

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Intermittent leave may not be taken to care for a newborn or newly adopted or foster care child unless the employee receives the express written approval of his/her department head. If this approval is given, the leave must be taken and completed during the first twelve (12) months of the child's birth or placement and the department head may rescind approval at any time.

By agreement between the employee and the department head, an employee may choose to take medical leave on a reduced leave schedule. This may involve reducing the employee's work hours per workday or workweek during such leave.

7. Benefits Coverage During Leave - While on FMLA leave, the employee will remain on the City's health plan, under the same conditions that applied before the employee went on FMLA leave. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan before taking FMLA leave. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.

The City's obligation to maintain health benefits under FMLA stops if and when an employee informs the City that he or she does not intend to return to work at the end of the leave period, or if the employee fails to return to work at the end of his/her approved leave.

The City reserves the right to require the employee to reimburse the City for health insurance premiums that the City paid during the employee's leave if the City finds evidence that the employee misrepresented the need for leave or otherwise obtained the leave fraudulently. Employees on FMLA leave will not accrue benefit time or seniority once the employee exhausts their accrued benefit time or starts receiving payments from the worker's compensation program. However, employees on FMLA leave will not lose any length of service benefits that accrued before the employee went on unpaid status.

8. Notice of Return from Leave - An employee must complete a Notice of Intention to Return From Family or Medical Leave at the time the employee submits his/her application for leave. The application for leave should state the date the employee is expected to return to work (but this date cannot exceed twelve (12) weeks from the start of leave). Once on leave, the employee must notify Human Resources and his/her department head at least seven (7) working days prior to the return to work date and either confirm that he/she will be returning to work on that date or request additional leave time.

If an employee is returning from a FMLA leave that was due to his/her own serious health condition, he/she must submit the following documentation to Human Resources and his/her department head at least three (3) working days before his/her return to work date:

- a. A statement from his/her treating physician certifying that he/she is fit to return to duty and that he/she can perform the essential functions of his/her job (or to the position restored to, if different);

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- b. If the employee's physician has given the employee work restrictions, the employee must provide a statement from his/her physician detailing those restrictions, the reason for those restrictions and whether the restrictions are permanent or temporary; and
- c. If the employee is requesting a reasonable accommodation for an ADA qualifying disability, the employee should provide a statement detailing the accommodation being requested and how the request will enable the employee to perform the essential functions of his/her position.

Under limited circumstances, Human Resources may require that an employee submit to, and successfully complete, a fitness for duty examination before the employee is permitted to return to work.

If an employee's own medical condition prevents him/her from returning to work at the end of his/her FMLA leave, the employee must notify Human Resources and his/her department head no later than seven (7) business days before his/her return to work date and either request additional FMLA leave time (if the employee has not exhausted his/her annual entitlement) or an extended medical leave. A request for an extended medical leave must contain a statement from the employee's doctor stating the amount of additional leave time being requested and the reason(s) for the extended leave. Requests for an extended medical leave of absence must be approved by both the employee's department head and Human Resources. (See Section 4.06-B on Extended Medical Leave for further details.) If the employee is not approved for additional FMLA leave or an extended medical leave and the employee fails to return to work on his/her originally scheduled return to work date, the employee may be discharged from employment.

If an employee is unable to return from FMLA leave for a reason other than his/her own serious health condition, the employee must notify Human Resources and his/her department head no later than seven (7) business days before his/her original return to work date and either request additional FMLA leave time (if the employee has not exhausted his/her annual entitlement and is still eligible for FMLA leave) or apply for a personal leave of absence. (A request for a personal leave of absence must be approved by both the employee's department head and Human Resources.) If either request is denied or if no request is made, the employee will be expected to return to work on his/her originally scheduled return to work date. If the employee does not return to work on his/her original return to work date, the employee may be discharged from employment.

9. Reinstatement - Upon return from FMLA leave, an employee will either be restored to his/her position or to a position with equivalent pay, benefits, and other terms and conditions of employment so long as there is not a basis to deny reinstatement. Situations where an employee may be denied reinstatement include, but are not limited to, the following:
- a. The employee gave unequivocal notice that he/she did not intend to return to work at the end of his/her leave;
  - b. The employee qualifies as a "key" employee under FMLA regulations (29 CFR 825.217); is a salaried FMLA-eligible employee who is among the highest paid ten percent (10%) of all City employees and the restoration of his/her employment would cause substantial and grievous economic injury to the City's operations;
  - c. The employee's leave was obtained by fraud or misrepresentation;
  - d. The employee was hired for a specific term or for a specific project or grant that has since been completed;
  - e. The employee was subject to a reduction in force;
  - f. The employee is unable to perform the essential functions of his/her job, with or without reasonable accommodation of a qualifying disability;
  - g. The employee would not otherwise have been employed at the time of reinstatement if the employee had not been on FMLA leave;
  - h. The employee failed to provide required notices or certifications while on leave and/or failed to provide a fitness for duty certification from a health care provider at the end of the leave.

If an employee was on probationary status or a plan for improvement at the time he/she went on FMLA leave, upon his/her return to work, his/her probationary period or plan for improvement will resume at the same point as it was on the day the employee's leave began. Likewise, if progressive discipline was pending prior to his/her FMLA leave, the supervisor may proceed with that discipline upon the employee's return to work.

The City cannot guarantee that an employee will be returned to their original position and reserves the right to place employees in equivalent positions. The determination as to whether a position qualifies as "equivalent" will be made by the Administrative Services Director. Employees returning from FMLA leave may submit a written request for a different shift, schedule or position but the decision to grant such a request will be within the discretion of the employee's department head.

**B. EXTENDED MEDICAL LEAVE OF ABSENCE:**

An extended medical leave of absence is available to those non-introductory employees who have already exhausted their annual twelve (12) week entitlement of FMLA leave but due to their own serious health condition(s) are still unable to perform the essential functions of their position. Requests for an extended medical leave must be approved by the employee's department head and Director of Administrative Services or designee. Employees will not be approved for an extended medical leave of absence unless the employee was previously approved for and has already exhausted his/her annual twelve (12) week FMLA entitlement. Employees who are approved for an extended medical leave of absence may receive up to three (3) months of leave time. In determining whether to approve a request for leave (including the length of leave) consideration should be given to the employee's employment record (including the employee's length of employment, performance history, attendance and disciplinary records) as well as the staffing needs of the department.

If a non-introductory employee has exhausted his/her annual FMLA leave entitlement but still requires additional time off from work in order to provide care for an immediate family member (as defined by FMLA policy), the employee may apply for a temporary personal leave of absence. (See Section 4.06-C, Temporary Personal Leave of Absence for further information.)

If an employee is not eligible for FMLA leave but is a qualified individual with a disability (as defined by the Americans with Disabilities Act) and wishes to request a temporary leave of absence as a reasonable accommodation, the employee may apply for a temporary personal leave of absence. (See Section 4.06-C, Temporary Personal Leave of Absence for further information.)

1. An extended medical leave of absence is an unpaid leave of absence. Employees who are not receiving worker's compensation payments must exhaust all accrued paid benefit time (sick leave, holiday hours, compensatory time and vacation leave time) before they will be placed on unpaid status.
2. The employee must request an extended medical leave on a Leave of Absence Form. The employee must attach a statement from a physician certifying the nature and extent of the health condition and the estimated return to work date. Subject to the approval of Human Resources, the City may require, at the City's expense, that the employee submit to a medical examination by a physician (chosen by the City) to determine the need for leave and/or whether the employee is able to return to work and perform the essential functions of his/her position.
3. During an extended medical leave, employees may be required by Human

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Resources to provide recertification of the need for leave and/or periodic reports on the employee's return to work status. The employee must forward this documentation directly to Human Resources.

4. As soon as leave is granted (or where it is extended), the department head should forward a Personnel Action Form to Human Resources noting that the employee is on leave.
5. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan before taking leave. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.
6. Employees on an extended medical leave of absence do not accrue vacation leave credit or sick leave credit during the time that the employee is receiving worker's compensation payments or is on unpaid status.
7. Employees on an extended medical leave must notify Human Resources and their department head in writing at least ten (10) working days prior to the employee's return to work date and either confirm their return to work date or request additional leave time. At that time, the employee must provide Human Resources with a medical statement from his/her treating physician certifying that he/she is fit to return to duty and that he/she is able to perform the essential functions of his/her job with or without a reasonable accommodation. If the physician has given the employee work restrictions, those restrictions, the reasons for those restrictions and whether the restrictions are permanent or temporary must be clearly stated in the physician's statement. Likewise, if the employee is requesting a reasonable accommodation for an ADA qualifying disability, the employee should provide a statement detailing the accommodation being requested and how the accommodation will enable the employee to perform the essential functions of his/her position.
8. Before an employee is allowed to return to work Human Resources may require that he/she provide further medical information from his/her physician and/or submit to a fit for duty examination (conducted by a physician of the City's choosing and at the City's expense). Human Resources may delay the employee's return to work date if additional time is needed to clarify the employee's return to work status or if Human Resources has scheduled or is awaiting the results of a fit for duty examination. If the employee does not have benefit time available, this additional time off will be unpaid.
9. Upon return from an extended medical leave of absence that lasted three (3) months or less, the employee may be returned to his/her original position, if available, or to an open position in the employee's department of which the employee is not only qualified for but the best candidate to perform. If the employee's original position was filled while the employee



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was on leave and a comparable position in the same department (of which the employee is not only qualified for but the best candidate to perform) is not available, the employee may be placed in a position (of which the employee is not only qualified for but the best candidate to perform) with a lower grade level and lower rate of pay. If no such position is available in the employee's department, the employee may be discharged from employment. In such cases, neither a reduction in pay and/or grade nor a discharge from employment may be grieved under the City of Huntsville Grievance Procedure. (See Section 12.01.)

An employee returning from leave may be denied reinstatement altogether under the following circumstances:

- a. The employee is unable to perform the essential functions of his/her job, with or without a reasonable accommodation of a qualifying disability under the ADA;
- b. The employee's position was eliminated due to a reduction in force; or
- c. The employee was hired for a specific term or a specific project or grant that has since been completed;
- d. The employee failed to provide required notices or certifications while on leave and/or failed to provide a fit for duty certification from his/her physician or failed to submit to a requested fit for duty examination;
- e. The employee's leave was obtained by fraud or misrepresentation;
- f. The employee's employment would otherwise have been terminated if the employee had not been on leave; or
- g. The employee failed to return to work upon the expiration of his/her extended medical leave of absence. If an employee is denied re-instatement for one of these reasons, his/her discharge from employment may not be grieved under the City of Huntsville Grievance Procedure.

If an employee was on probationary status or a plan for improvement at the time he/she went on leave, upon his/her return to work, his/her probationary period or plan for improvement will resume at the same point as it was on the day the employee's leave began unless the probationary status was due to a

promotion and the employee no longer holds that position. If progressive discipline had been pending prior to the employee's leave, the supervisor may proceed with that discipline upon the employee's return to work.

10. An extended medical leave of absence may not exceed three (3) months. However, an employee may request up to an additional three (3) months of leave by submitting a written appeal to Human Resources. If this appeal is granted by Human Resources and the employee's department head, the employee may receive additional leave time but the employee will not be guaranteed reemployment at the end of this additional leave period. In determining whether to approve a request for leave (including the length of leave) consideration should be given to the employee's employment record (including the employee's length of employment, performance history, attendance and disciplinary records) as well as the staffing needs of the department.

A written appeal for additional leave time must contain a statement from the employee's physician stating the reason(s) why additional time is needed and the employee's expected return to work date. This written appeal should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the extended medical leave period but at a minimum, the appeal must be received by Human Resources no later than ten (10) business days before the employee's current medical leave is set to expire.

If an employee fails to return to work upon the expiration of his/her extended medical leave of absence, his/her employment may be terminated unless the Department of Human Resources and the employee's department head have approved an extension of leave.

**C. TEMPORARY PERSONAL LEAVE:**

Personal leave is granted at the discretion of the employee's department head and Human Resources. Personal leave may be granted for a maximum of three (3) months.

1. Personal leave may be requested for educational or family purposes or for a purpose that is approved by the employee's department head and Human Resources. In determining whether or not to approve a request for leave (including the length of leave) consideration should be given to the employee's employment record (including the employee's length of employment, performance history, attendance and disciplinary records) as well as the staffing needs of the department. Personal leave may not be used in conjunction with or in lieu of an extended medical leave of absence.
2. Personal leave is unpaid unless the employee has accrued benefit time

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(vacation leave, compensatory time, holiday hours or if applicable, sick time) that can be applied to the leave time. If such benefit time is available, the employee will be required to exhaust that time before going on unpaid status.

3. The employee must request personal leave on a Leave of Absence Form for personal leave. If the leave is granted, the department head should forward a Personnel Action Form to Human Resources noting that the employee is on leave.
4. An employee on personal leave does not accrue vacation leave credit or sick leave credit for the period of the unpaid leave of absence. Such employees may continue medical and dental group insurance coverage and life insurance coverage, but only where the employee pays the total cost of such participation while on unpaid leave of absence. Such employees continue TMRS participation according to rules and requirements established by TMRS.
5. If an employee fails to return to work upon the expiration of his/her personal leave of absence, his/her employment may be terminated unless Human Resources and the employee's department head have approved an extension of leave. If the employee is terminated from employment for failing to return to work on his/her originally scheduled return to work date, the termination may not be grieved under the City of Huntsville Grievance Procedure.

#### **4.07 Salary Deductions**

*Effective date: 9-20-2005*

*Revision date:*

##### **Policy**

Employees are expected to use their accrued benefit time (sick leave, vacation leave, holiday hours, compensatory time and personal leave) when they are absent from work.

To ensure public accountability, the pay of both salaried and hourly employees may be deducted for full or partial day absences when an employee does not use benefit time to cover his/her absence(s) from work because of the following:

- A.** The employee did not seek permission to use benefit time or otherwise failed to give proper notification of the intent to use benefit time;
- B.** Permission to use benefit time was denied;
- C.** The employee's accrued benefit time has been exhausted; or
- D.** The employee has elected to go on leave without pay and the use of unpaid leave has been approved by the City. Such deductions may be made even where the absence is due to illness or injury.

Pay deductions that result from this policy do not constitute an unpaid suspension and may not be grieved under the City of Huntsville Grievance Procedure.

Those employees who are not on an approved leave of absence may also face disciplinary action for being absent without leave.

#### **4.08 Personal Leave**

*Effective date: 1-22-2008*

*Revision date:*

##### **Policy**

Personal leave for up to three (3) days is granted to every full-time City of Huntsville employee so that employees may receive paid time off to transact personal business.

##### **Procedure**

- (1) Personal leave is time granted for discretionary purposes to every full-time City of Huntsville employee for three (3) days of each calendar year if he is on City of Huntsville payroll on the first day of the year. Employees not on the payroll on January 1st, but who go on the payroll later in the year, may have personal leave in accordance with the following table:

Date of Employment or Return from Leave of Absence	Number of Personal Leave Days Allowed for Remainder of Calendar Year
· After January 1, but before February 16	3
· After February 15, but before April 16	2 ½
· After April 15, but before June 16	2
· After June 15, but before August 16	1 ½
· After August 15, but before October 16	1
· After October 15, but before December 16	½
· After December 15, but before January 1	0

- (2) Requests for personal leave should be submitted as soon as practicable in order to minimize any disruption to department operations. Department Heads may deny a personal leave request if the leave would interfere with the efficient and effective operations of the department or the City of Huntsville; in the event of an employee personal leave request, the Department Head shall apply the standard utilized request off on recognized national holidays. A request for personal leave may be denied if the employee is on a plan for improvement, disciplinary probation or has been disciplined in writing for poor attendance during the three months preceding the employee's request to use personal leave. Personal leave time may not be used to cover time missed from work while the employee is on FMLA leave (regular or intermittent), an extended medical leave of absence or any other leave of absence granted by the City of Huntsville.
- (3) Employees may not carry over unused personal leave from one calendar year to another.
- (4) Since an employee's absence on personal leave is time granted rather than earned, employees will not be reimbursed for unused personal leave. In addition, at the termination of an employee's service, there shall be no payment for unused personal leave.

**Section V**

**Classification and Compensation**

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### **5.01 Position Classification Plan**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Purpose**

It is the purpose of the Position Classification Plan to supply an orderly and descriptive inventory Of all positions in the City budget so as to achieve the following objectives:

- A. Improved recruiting through precise description of the position, accurate statements of the abilities and knowledge required and a reasonable standard of fitness for employment.
- B. Equality of pay for positions with substantially similar duties, responsibilities or work difficulty and fair salary differentials between positions of substantially different duties, responsibilities or work difficulty.
- C. Orderly control of in-house adjustments such as transfers, promotions, demotions, dismissals, reinstatements and other changes in employee status.

#### **Policy**

- A. **Administrative Responsibility** - It shall be the responsibility of Human Resources to administer and maintain the Position Classification Plan.
- B. **Definitions of Terms Used in the Position Classification Plan:**
  - 1. A position is a collection of assigned duties and responsibilities requiring the full or part-time employment of one individual. The position may be vacant or occupied.
  - 2. A class is a composite of all similar positions having related duty requirements and salary range.
  - 3. The class title is the official designation of the class and shall be used on all personnel actions and records. No personnel action will be approved without use of the appropriate class title.
  - 4. A hiring authority is the official with authority to sign a Personnel Action Form synonymous with the department head.
- C. **Allocation of Positions:**
  - 1. Positions have been allocated to classes on the basis of existing titles, duties and responsibilities.

2. Allocations may be appealed by the department heads or the employee through his/her department head. Such an appeal should be in writing and contain a statement of justification.
3. Allocation of new positions shall be in accordance with Section 5.01-D, "Maintenance of the Classification Plan."

**D. Maintenance of the Classification Plan** - The Position Classification Plan shall be maintained as follows:

1. Whenever a hiring authority desires that a new position be established or that the duties of an existing position be changed which in effect create a new position, the hiring authority shall report this fact to Human Resources. Human Resources will research the request and recommend appropriate action. Final classification changes that result in a budget increase shall be subject to City Manager and City Council approval.
2. Each time a department is reorganized, position descriptions for affected employees shall be developed under the direction of Human Resources.
3. Human Resources may periodically review any or all positions and report the recommendations to the City Manager. To facilitate review, Human Resources may require employees to submit descriptions on a periodic basis or at any time they have reason to believe that there has been a change in the duties and responsibilities of one or more positions. It is the responsibility of the individual departments and offices to maintain (on an annual basis or as changes occur) current position descriptions of all established positions within their jurisdiction and to note any changes that may occur therein. Human Resources must be notified of any changes as the Human Resources records will be the Cities official records.
4. Any employee may submit written request through his/her hiring department head to Human Resources in order to review the classification of their position. Human Resources if they deem the employee's request meritorious shall research the position and recommend appropriate action to the City Manager.

**E. Responsibility for Plan Interpretation** - Human Resources shall be responsible for the interpretation of the Position Classification Plan.

**F. Amendments, Adjustments and Reallocation** - The addition of classes, the reallocation of positions, the adjustment of classes and the addition of series that result in a budget increase shall all be submitted to the City Council for approval.

**G. Position Descriptions:**

1. Departments must maintain a description of the duties of individual positions within



their departments. For example, the duties of the Finance Director described in the class specification are sufficient for a position since it is a one position class. However, the class of Administrative Assistant would not describe the individual duties of all the positions assigned to that class, so individual descriptions should be maintained under the heading of class title.

2. Changes in positions are bound to occur on a regular basis. When such changes occur, department heads must notify Human Resources. Human Resources in turn will approve an investigation into the position which will determine if the duties of the position have changed sufficiently to require allocation of the position to a new class. This should not be used to give outstanding performance increases in pay. The duties of the position rather than the performance of the individual determine the allocation of a position to a classification. Human Resources will conduct this investigation and shall make recommendations to the City Manager for changes or no changes. Request for changes in classification must be requested in memo form by the department head.
3. Position descriptions are important not only for maintenance of the pay system, but for the use in recruitment, selection, training, establishing promotional ladders, safety evaluation, etc. Position descriptions will often be asked for to use in these areas. They should accompany a Personnel Requisition Form and should be utilized in the evaluation of employees on the basis of performance of assigned duties.
4. Department heads should make the position description available to their employees for the employee's position. The employees should be required to review the descriptions to point out any errors or duties that are no longer performed. Keep in mind that class specifications are descriptive only and are intended to indicate the kind of position allocated to them. This means that some classes may contain duties not performed by a position or not include duties performed. As long as the class is a good comparison, Human Resources may judge it to be a correct allocation. However, individual descriptions and class specifications used as individual descriptions should be as complete and up-to-date as practical.

**5.02 The Pay Plan - Composition and Definitions**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

- A.** The Pay Plan shall include all pay schedules as recommended by Human Resources and the City Manager, and then approved by the City Council. Each schedule will consist of minimum, market and maximum rates of pay. Steps may be provided for as appropriate.
- B.** The following are definitions of terms used in this plan:
1. Base Salary - A given dollar amount of pay designated within the salary range assigned to a classification. The base salary is the salary used to compute overtime pay or deductions for time not worked.
  2. Comparable Classifications - Two (2) or more classifications that are of the same salary grade.
  3. Creditable Service - All service in full or regularly scheduled part-time pay status within any given classification.
  4. Demotion - An assignment of an employee from a higher level position to a lower level position for justifiable cause(s).
  5. Entrance Salary - The initial base salary assigned to a newly hired employee.
  6. Promotion - An assignment of an employee from a lower level position to a higher level position. A promoted employee shall serve a six (6) month introductory period.
  7. Reallocation - The change in the classification of an existing position resulting from significant changes in assigned duties and responsibilities.
  8. Re-evaluation - The assignment of a different salary grade to a class based upon change in relation to other classes or to the labor market.
  9. Salary Adjustment - Any change in the salary rate caused by a previous computation error or in the best interest of the City.
  10. Transfer - The assignment of an employee to a vacant position of the same classification within another organizational unit. A transferred employee shall serve a six (6) month introductory period.
  11. Salary Range - The range of pay of a designated pay grade having a minimum, market and a maximum.

12. Introductory Periods - Each new employee will serve an introductory period of six (6) months (twelve (12) months for Police Officers and Firefighters). Employees deemed unsatisfactory should be terminated on or before completion of this period.

### **5.03 The Pay Plan**

*Effective Date: 9-20-2005*

*Revision Date: 08-15-2006*

#### **Policy**

- A. **Administration** - It is the responsibility of Human Resources to administer the Pay Plan. Human Resources shall be responsible for making arrangements to ensure that the administration of the plan for all employees is on an equitable basis.
- B. **Development and Maintenance of Salary Range:**
1. Salary ranges shall be linked directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, labor market availability of employees in certain occupational categories, rates of pay in other jurisdictions, cost-of-living factors, the financial policies of the City and other economic considerations.
  2. Prior to the preparation of each annual budget as well as other times, Human Resources shall make comparative studies of the factors affecting the level of salary ranges. On the basis of information derived from such studies, Human Resources and the City Manager shall present recommendations for adjustment of the compensation plan to the City Council.
- C. **Salary Grades** - All classifications in a salary schedule shall be given a designated grade. Grades will be established on the basis of job requirements, and such factors as knowledge, skills, difficulty, and complexity, responsibility for supervision and responsibility for funds shall be taken into consideration.
- D. **New Hires:**
1. **Minimum Rate of Pay** - The minimum rate of pay for a class shall be paid upon employment within the class.
  2. **Above Minimum Rate of Pay** - When a new employee is more qualified than minimum standards and will not accept employment at the minimum rate, he/she may be employed above the minimum. Appointment between the minimum and midpoint of the salary range requires the concurrence of Human Resources. Appointment above the midpoint requires the written approval of Human Resources and the City Manager. Every effort should be made to recruit a qualified individual willing to accept the minimum rate.
  3. **Introductory Periods** - Each new employee will serve an introductory period of six (6) months (twelve (12) months for Police Officers and Firefighters). Employees deemed unsatisfactory should be terminated on or before completion of this period. Employees deemed satisfactory may be granted an increase in pay at the completion of the six (6) month introductory period.

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Employees hired at the market rate or above are not eligible for an introductory increase.

### **E. Promotion:**

1. When an employee is promoted he/she shall be paid the minimum rate of the class into which he/she was promoted. In the case where he/she are already above that salary compensation he/she shall be set at an appropriate pay level within the designated class. Any pay increase greater than five percent (5%) will require City Manager approval. A promoted employee shall also serve a six (6) month introductory period, at the end of which he/she may receive an increase consistent with Paragraph D-3 above.
2. No change in salary shall accompany a transfer unless the transfer is to a position in a higher class. Such a transfer will be deemed a promotion and treated as such.

**F. Demotion** - A demoted employee shall be paid at a rate within the approved range for the lower position. The exact placement in the range shall be set by the department head and Human Resources.

**G. Reallocation Downward** - When a reallocation of a position to a lower class occurs the incumbents shall remain at their present pay.

**H. Salary Increases** - Salary increases within appropriate ranges may be made annually consistent with the budget policies.

**I. Cost of Living** - Adjustments shall be delivered as a base pay increase, except the base pay will not be increased beyond grade maximum. When salary ranges restrict the advancement of a base pay increase, the pay increase will be given as a bonus.

### **Procedure**

- A. Salary increases should be placed on the Position Inventory and included with the fiscal year fund request for salaries.
- B. Increases must be placed individually on a Personnel Action Form.
- C. Increases should not be considered automatic, but available on the basis of performance. A performance appraisal shall accompany a request for a salary increase.

**D.** Full-time multiple incumbents on the Position Inventory will be limited to the following conditions:

1. With a New Hire - Thirty (30)-days maximum; sixty (60) days with approval of the City Manager.
2. With a Leave of Absence - Period of the Leave of Absence maximum.

Prior authorization by Human Resources and the City Manager will be required. Multiple incumbents assigned to a position number must be identified on the Personnel Action Form.

The appointment of a multiple incumbent in a full-time position in excess of the limitations referenced above will require approval by the City Manager prior to posting the vacancy.

#### **5.04 The Pay Plan - Overtime Payments**

*Effective Date: 9-20-2005*

*Revision Date:*

##### **Policy**

- A. **Eligibility** - Eligible employees may be compensated for hours worked in addition to their regularly scheduled period of work by monetary payment. The following describes the categories of employees by job classification, pay grade and their eligibility to be compensated by monetary payment.
1. **All Hourly Employees (Non-Exempt):**  
Non-Exempt employees in this category shall be compensated for overtime worked by monetary payment. All monetary payment for overtime must be in the employee's regular job classification.
  2. **Exempt Employees in Professional, Administrative and Executive Classifications:**  
Employees in this category are not eligible for overtime monetary payment.
  3. **Non-Exempt Personnel:**  
Employees in classifications covered by the Fair Labor Standards Act.
- B. **Requirements for Overtime:**
1. Overtime payments must be based on the rate of pay for the job classification in effect at the time in which the overtime was worked.
  2. Department heads will make every effort to assign overtime as equitably and evenly as possible.
- C. **Compensatory Time Off** - Eligible employees may elect to liquidate overtime hours in excess of forty (40) at pay equal to one and one half (1.5) times their regular rate or accumulate compensatory time off at one and one half (1.5) hours for every hour worked in excess of forty (40). Compensatory time off with pay is authorized for hours reported on time keeping records.
1. Compensatory time means the accrual of hours worked in excess of the normal work week consistent with the requirements of the Fair Labor Standards Act.
  2. Employees may accrue up to a maximum of forty (40) compensatory time hours in a calendar year with department head approval.
  3. Firefighter may accrue up to fifty-six (56) compensatory time hours in a calendar year.

4. Once an employee has accrued forty (40) compensatory hours (56 compensatory hours for Firefighter employees), no further accruals may be made to the compensatory time balance. Overtime must be liquidated by the appropriate cash payment.
- D. On Call and Overtime Payment** - When an employee is off duty, but may be called for the performance of work, he/she is considered to be on call. An employee on call who is summoned to work is to be guaranteed a minimum of two (2) hours of work at overtime pay for each call to work. No more than eight (8) hours of overtime may be counted in any one (1) calendar day, unless the employee actually works more than eight (8) hours.

**Procedure**

- A. Department heads must budget for monetary payment of over-time
- B. Claims for overtime should be placed on the Payroll Time Sheet. Payroll Forms for non-exempt employees shall be accompanied by current time and attendance records as provided by Human Resources.
- C. Budget requests for overtime should include an explanation as to how the request was arrived at, as well as an explanation as to why the overtime is required.
- D. Human Resources may from time to time investigate claims for overtime to ascertain the need for it. Human Resources may also investigate employee complaints concerning inequitable assignments of overtime.
- E. Department heads are responsible for the payment of overtime in their departments.



**5.05 The Pay Plan - Administrative Adjustments**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

If Human Resources after appropriate review determine that a pay rate adjustment may resolve a manifest error or clear an inequity, an adjustment will be made within the Pay Plan. Requests for such adjustments must be initiated in writing by the department head. Where such adjustments require the appropriation of funds, Human Resources shall notify the City Manager and request the appropriation of funds prior to authorizing any adjustments by the department head.

**Procedure**

- A. For administrative adjustments a complete statement must accompany the request stating the reason for it, error involved, the employees involved, the availability of funds and the benefit to the City for allowing such an adjustment.
- B. Human Resources shall review the adjustment request on the basis of benefit to the City, funds available and the seriousness of the error or inequity described.
- C. Human Resources may investigate payments of holiday pay to determine the validity of such payments and to possibly suggest methods of avoiding such payments in the future.

**5.06 The Pay Plan - Longevity Pay Provisions**

*Effective Date: 9-20-2005*

*Revision Date:*

**Purpose**

The purpose of this policy is to standardize longevity scheduling and compensation. This policy should be equitably applied to all City employees.

**Procedure**

Longevity pay of \$4.00 per month for each year of City service will be paid to all full time employees. The employee will receive the longevity pay monthly.

**5.07 Payroll Deductions**

*Effective Date: 9-20-2005*

*Revised Date:*

**Policy**

- A.** Certain payroll deductions are required by Federal and State laws. Deductions for Federal Income Tax and FICA will be accomplished by the Department of Human Resources in the preparation of payroll.
- B.** Wages of City employees may be garnished for non-payment of debt by court order only. Maximum wages, salary, bonuses and periodic payments pursuant to retirement or pension plan are subject to collection under such a deduction order. The deduction for one (1) workweek shall not exceed the lesser of fifteen percent (15%) of gross amount paid for the week or the amount by which disposable earnings for a week exceed thirty (30) times the Federal minimum hourly wage. No amounts required by law to be withheld (Part A, this Section) may be taken from amount collected by creditor.
- C.** All wages, salary amounts or other compensation paid by the City to any of its employees is not subject to collection under a future wage assignment. Requests for such assignments will be denied.
- D.** For non-payment of Federal, child or other court ordered support payments, or payments ordered by bankruptcy court, the employee's entire earned wages can be garnished until the debt is satisfied.
- E.** The City is prohibited by law from discharging any employee because his/her earnings have been subject to garnishment for any one indebtedness. The term "one indebtedness" refers to a single debt, regardless of the number of levies made or creditors seeking satisfaction.

Other payroll deductions may be made at the discretion of the employee if there are a sufficient number of employees that wish the same type of deduction (i.e., U.S. Savings Bonds). Such requests shall be reviewed and approved by Human Resources and the City Manager.

**Section VI**

**Transfers, Promotions, Demotions & Performance Evaluations**

**6.01 Transfers and Promotions .....2**

**6.02 Demotions .....4**

**6.03 Performance Evaluations .....5**

## **6.01 Transfers and Promotions**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

It is the policy of the City of Huntsville to transfer and promote from within the City whenever possible. Employees are urged to obtain the necessary skills, training, education, professional registration or licenses necessary in order to be eligible candidates for transfer or promotion.

Promotion is a change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary range. A transfer is a change by an employee from one position to another position of the same class or to another class in the same salary range, usually involving the performance of similar duties and requiring essentially the same basic qualifications.

Employees who request a transfer within a department or to another department will be given preference over applicants from the outside if they are equally or better qualified. However, it is the responsibility of Human Resources and the department heads to fill job openings with the best qualified people available.

To encourage promotion of employees, Human Resources may restrict outside recruitment activities for a short period of time to ensure that employees are given an opportunity to apply. All positions will be posted in Human Resources and at other bulletin boards located in City facilities to allow employees the opportunity to apply for the identified job(s). Outside applications will be accepted after the waiting period for internal application, but employees will still be given priority consideration.

Employees who have completed their introductory period will be eligible to request a transfer or promotion before introductory employees are considered. Promotion will be on the basis of measurable behavior, skill, ability and past performance. In instances where two (2) or more employees are felt to be of equal measurable behavior, skill, ability and past performance, the employee with the longest period of continuous employment with the City will be promoted.

A department head with City Manager approval may initiate the transfer of an employee. The City Manager, at his/her discretion, may transfer or eliminate a department, division or work function.

### **Procedure**

A. Employees interested in promoting to an open position must also apply at Human Resources. For selection of an employee to fill a higher classification, the following will be considered based on past performance evaluations:

1. Measurable behavior, skills, ability and past performance;
2. Efficiency;

3. Job related credentials;
4. Disciplinary record;
5. Attendance record; and
6. Length of continuous employment with City of Huntsville.

Any change to a higher classification is considered a promotion. It should be indicated as a promotion on the Personnel Action Form.

- B.** If the employee is selected for the new job, at the discretion of the City Manager, he/she will not be transferred for two (2) weeks or until he/she has been replaced. This applies for both transfers and promotions.
- C.** After either a transfer or a promotion a Personnel Action Form must be completed for approval.
- D.** All accrued benefits remain with the employee when he/she transfers or is promoted to a different position within the City. No benefits will be granted that are not in accordance with present City policy and new employees are required to serve the introductory period.
- E.** All transferred and promoted employees are required to serve an introductory period as stipulated in Section 5.02. All transferred and promoted employees whose performance level is unsatisfactory may be terminated or reassigned to their former position if the position is still open.
- F.** All transferred or promoted employees between departments are required to give two (2) weeks notice whenever possible.
- G.** The department head from where the employee is transferring from may waive the notice requirement and allow the employee to transfer to his/her new position prior to two (2) weeks.

**6.02 Demotions**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

An employee may request a demotion which means a change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.

A department head may demote an employee for cause (see Section 12.02, Discipline) or may demote him/her in line with reorganization, reduction in force, or other administrative changes ordered by the City Council. Such employee demotions may be made on the basis of work performance or on the basis of length of continuous service with the City depending upon the recommendations of the City Manager and the Department of Human Resources.

**Procedure**

The same procedures apply for an employee initiating a demotion as applying for a request for a transfer or for promotion (see Section 6.01).

### **6.03 Performance Evaluations**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

- A.** The performance of City employees will be formally reviewed and evaluated by their work supervisors at least twice a year. The results will be discussed with the individual as an aid to improvement and advancement on the job.
- B.** Human Resources will be responsible for establishing and maintaining a standardized performance evaluation system and procedures for its conduct and use. Department heads will be responsible for coordinating its implementation in their departments as well as evaluating employees reporting directly to them.
- C.** The City Manager will be responsible for evaluating the performance of the department heads.
- D.** The formal performance evaluation system will be designed by Human Resources to:
  - 1. Maintain or improve each employee's job satisfaction and morale indicating to him/her that his/her work supervisor is interested in his/her job progress and personal development.
  - 2. Serve as a systematic guide for department heads in planning each employee's further training.
  - 3. Assure considered assessment of an employee's performance rather than a quick and unreliable judgment.
  - 4. Assist in determining and recording special talents, skills and capabilities that might otherwise not be noticed or recognized.
  - 5. Assist in planning personnel moves and placements that will best utilize each employee's capabilities.
  - 6. Provide an opportunity for each employee to discuss job problems and interests with his/her work supervisors.
  - 7. Assemble substantiating data for use as a guide for purposes such as salary adjustments, promotions, transfers and disciplinary actions.



**Procedure**

- A.** Department heads will prepare a schedule for conducting performance evaluations of employees in their departments. The schedule is for the department head's convenience, but employees should be evaluated as follows:

  - 1. Introductory employees - At least one (1) week prior to the completion of their introductory period.
  - 2. Regular full-time and regular part-time employees - At least twice a year with times selected by the department head.
- B.** A copy of all evaluations accomplished must be forwarded to Human Resources for inclusion in the employee's file. The employee should also receive a completed copy of his/her evaluation.
- C.** Performance evaluations will be requested for use in promotions, transfers and other reassignments.
- D.** Performance evaluations will be accomplished in a format approved by Human Resources.

## **Section VII**

### **Employee Benefits**

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**7.01 Group Life Insurance**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

The City of Huntsville provides life insurance protection to eligible employees. The City Manager and Human Resources will be responsible for advising the City Council on the program and necessary in-house administration. Human Resources will promote the program and provide information to those eligible.

**7.02 Group Health and Dental Insurance**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

The City of Huntsville provides health and dental insurance protection to eligible employees. The City Manager and Human Resources will be responsible for advising the City Council on the program and necessary in-house administration. Human Resources will promote the benefits and provide information and assistance to those eligible.

### **7.03 Texas Municipal Retirement System**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

All regular employees are required as a condition of their continued employment to enroll in the Texas Municipal Retirement System. Seasonal, part-time temporary employees and others are exempt by State law.

#### **Procedure**

- A. **Deposits** - Each member of TMRS shall, by payroll deduction, be required to contribute a percentage not to exceed seven percent (7%) of his/her salary. The City of Huntsville shall also deposit a certain percentage for the benefits of each employee member as required by law.
- B. **Withdrawal of Deposits** - If an employee leaves the service of the City of Huntsville for any reason, he/she may withdraw the deposits he/she has made plus any interest earned on such deposits.
- C. **Retirement Benefits and Restrictions** - Benefits payable upon the death or retirement of an employee and any restrictions or limitations upon participation in the retirement system shall be in accordance with the provisions of the Texas Municipal Retirement System Act, Subtitle G of Title 8, Government Code.

**7.04 Federal Social Security**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

The City does not participate in Social Security; therefore City employees do not receive Federal Insurance Contribution Act (F.I.C.A.) coverage. Federal law requires that City employees hired after March 31, 1986 participate in Medicare. The City will make a matching contribution, if required by Federal law.

## **7.05 Worker's Compensation**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

### **Policy**

The City Manager and Human Resources is responsible for advising the City Council on the program and providing in-house administration of the program. Human Resources, the Training/Risk Coordinator and all department heads are responsible for reducing the City's liability.

### **Purpose**

To insure the City will pay medical expenses incurred by an employee for compensable on the job injuries.

### **Procedures**

- A.** The City will pay an employee who sustains a compensable on the job injury leave with pay at one hundred percent (100%) of the employee's salary for the first five (5) working days of the disability without any charge to the employee's vacation or sick leave. The City will not pay more than five (5) days injury leave to any one employee per calendar year.
- B.** Weekly indemnity benefits are paid to the employee once they are medically off work for eight (8) days or more. The first seven (7) days of medical disability are not paid unless or until the employee is off work for fourteen (14) calendar days (2 weeks). The benefits are calculated based on their hourly wage. If the injured employee earns \$8.50 or more per hour, the benefits are paid at seventy percent (70%) of the average weekly wage and not to exceed the maximum amount for that date of injury. If the employee earns \$8.49 or less per hour the benefits are paid at seventy-five percent (75%) for the first twenty-six (26) weeks and then they are reduced to seventy percent (70%) for the duration of the claim not to exceed one hundred and four (104) weeks for temporary income benefits. Benefits cannot be lower than the minimum rate for the date of injury.
- C.** An employee may not use accrued vacation, holiday leave, compensatory time or sick leave to supplement workers' compensation. (See also Texas Labor Code § 504.052.)
- D.** If an employee is disabled and unable to return to work for two (2) weeks, then the City's Worker's Compensation will pay the employee for the first five (5) days of work. If the employee was paid injury leave by the City under Section B (see above), the employee shall reimburse the City the amount paid by Worker's Compensation for this initial five (5) day period. (See also Texas. Loc. Govt. Code § 142.008; Texas Labor Code Chapter 451 and § 504.003.)
- E.** An employee will not accrue leave (vacation or sick leave) while the employee is on injury leave or unable to work because of an injury for more than one (1) week per pay period.

Service credit for all employment privileges and benefits will stop during this period except where otherwise provided by Texas or Federal law.

- F.** If an employee who is injured on the job is unable to return to work within one (1) week, then the City will pay (in addition to the Worker's Compensation benefit and the City's supplemental income benefit described in Section B, see above) the employees medical premiums (employee care), a long term disability premium, and life insurance premium that are payroll deducted by the City and provided by the City's approved carriers. The City will provide such extended benefits to the employee for up to six (6) months. The employee is responsible for and must act to insure payout of items such as credit union loans and supplemental health or life insurance.
- G.** An employee must be available for consultation at the City or at home during the disability. An employee who is on City work related injury leave shall contact the Training/Risk Coordinator and his or her supervisor at least once every five (5) working days.
- H.** The failure to follow doctor's orders or employee activity inconsistent with the employee's injury, including any outside employment not approved in writing by the employee's supervisor and Human Resources, may result in disciplinary action up to and including dismissal.
- I.** An employee who suffers an occupational injury or illness shall return to work immediately when released to do so by the examining physician. Failure to return to work when released by the physician shall result in appropriate disciplinary action up to and including dismissal. An employee released by his/her physician to assume duties after being placed on injury leave status must, prior to or immediately upon reporting to work, provide a written release from the attending physician verifying the employee's fitness to return to his/her full former duties and the date of the employee's release from medical care.
- J.** An employee who is unable to return to work in full duty status within six (6) months of an injury may be separated for incapacity reasons. The employee may then elect to receive accrued vacation and sick leave benefits, if any, payable upon termination.
- K.** An employee injured on the job with a physician's release to work in less than full duty status will, if approved by the department head, do restricted duty tasks when available. The City will assign light duty as determined by its economic and operating conditions. The department head will notify Risk Management when light duty assignments begin and end.
- L.** An employee who is able to return to work in light duty status is a temporary employee, and the City Manager may require the employee to work in a different department and perform duties not contained within his or her current job duties. The City will pay an employee assigned to light duty status and performing different duties according to the level of pay that is appropriate for the light duty job assignment. In addition, the employee will receive Workers' Compensation payments in a reduced amount.



*Employee Policies and Procedures, Section 7*

- M.** No employee on light duty will work overtime.
- N.** A light duty assignment cannot exceed three (3) months. An employee who is unable to return to full duty status within six (6) months may be separated for incapacity reasons.
- O.** Any employee seeking treatment for a work related injury must choose a Treating Doctor from the Alliance list of doctors. If an injured worker chooses to treat with a non-Alliance doctor, he/she assumes risk of payment for the medical treatment and potential loss of income benefits. The Training/Risk Coordinator will coordinate and assist the injured worker in making a doctor appointment for the employee.

**7.06 Unemployment Insurance**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

All City of Huntsville employees are covered under the Texas Unemployment Compensation Program, and the City pays for this benefit. This program provides payments for unemployed workers as determined by the Texas Workforce Commission. Human Resources will be responsible for reducing costs under the program.

**7.07 Change of Name, Address, Marital or Family Status**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

Employees shall report all changes in name, address, telephone number and marital or family status immediately to their department head, work supervisor or designated employee. These changes shall be sent to Human Resources on a Personnel Action Form.

## **7.08 Employee Assistance Program**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

The City of Huntsville Employee Policies and Procedures reflect the City's belief that its employees are its most important asset. In line with our on going policy of commitment to employee health and well being, the City has expanded its employee benefits package to include an Employee Assistance Program (EAP).

The City recognizes that people experience difficult personal and family problems from time to time that may affect work performance if left unresolved. They also recognize that these problems, emotional distress, alcoholism, drug abuse, financial concerns and others are conditions which can be resolved or controlled with professional assistance.

It is the policy of the City of Huntsville therefore to become involved and endeavor to help when an employee requests help by providing access to confidential professional guidance and counseling through an Employee Assistance Program.

### **Provisions**

- A.** Regardless of its nature, early problem identification is the key to successful treatment. To encourage early intervention, supervisors and managers shall remain alert for those employees who may be having problems and encourage early utilization of the Employee Assistance Program.
- B.** While the EAP is designed to be "broad brush", or comprehensive in nature, alcoholism is defined below to avoid any myths or stigmas with which it might be associated.

For purposes of this policy, alcoholism is defined as an illness in which a person's consumption of alcohol results in psychological, physical or social impairment. As we recognize that this is an illness for which there is effective treatment and rehabilitation, it is our policy to encourage the troubled employee to get help. The concern of this policy with regard to alcoholism is strictly limited to its affect on the employee's work performance and attendance.

- C.** Referral procedure is designed to facilitate:
  - 1. Self Referrals
  - 2. Management/Supervisory Referrals
  - 3. Medical Referrals

- D.** Seeking or accepting help from the Employee Assistance Program will not affect an employee's job security or opportunities for promotion.
- E.** It is recognized that nonprofessionals do not have the qualifications or training to diagnose drug/alcohol abuse or other types of personal problems. All referrals other than self referrals, therefore, will be based solely on the status of the employee's job performance.
- F.** The decision to request and/or accept help through the Employee Assistance Program is entirely voluntary.
- G.** Employees referred to and participating in the Employee Assistance Program will be expected to meet existing job performance standards and established work rules.
- H.** All EAP records will be maintained in the EAP office and kept strictly confidential. EAP records will not be disclosed to anyone other than the employee or family member involved except under court order.
- I.** If the EAP counselor makes a referral to outside treatment resources, expenses incurred will be reimbursed in accordance with the provisions of the applicable insurance policy.
- J.** Implementation of the policy will not require or result in any special regulations or exemptions from standard administrative practices. This program is not intended to supplant normal disciplinary procedures.

### **Purpose**

The purpose of the Employee Assistance Program is to provide a practical and constructive mechanism for dealing with employees' personal problems which affect the work situation or to aid those employees and family members who wish to use the program as a means of resolving a personal problem.

#### **A. Self Referral:**

1. An employee or household member who desires confidential assistance for a personal problem should call the EAP office and ask to speak to an Employee Assistance Counselor.
2. The employee will either provide the necessary assistance or information over the phone, or arrange an appointment for consultation at the EAP office.
3. All communication between the counselor and the employee or family member will be held strictly confidential (unless the client asks that the information be shared and gives written permission to do so).

**B. Management/Supervisory Referral** - A manager or supervisor will refer to the Employee Assistance Program under the following circumstances only:

1. A documented decline in work performance.
2. A particular incident on the job that may indicate the presence of a personal problem.
  - a. A supervisor who interviews an employee about work performance or an on-the-job incident will restrict the discussion to those topics only. During this meeting management will not speculate as to the cause of the decline in performance or what may have caused the particular incident.
  - b. After the work situation (or particular incident) has been reviewed with the employee, management has the option of informing the employee of the professional services available on a self-referral basis through the Employee Assistance Program.
  - c. If a second interview is necessary to discuss job performance, a written warning will be completed by management then reviewed and signed by the employee. A referral will be made to the EAP at this time.
  - d. The employee may choose to accept or reject the offer of help. If the employee chooses to accept, Human Resources will make an effort to contact the counselor at that time to make an appointment. Human Resources will give the employee the appointment day in writing, date and hour, together with the location and phone number of the EAP office.

An initial appointment with the EAP office may be scheduled during work hours at the discretion of management. Other appointments will be made during non-working hours, unless otherwise authorized. If authorized and an appointment is scheduled during work hours the employee must use sick, vacation or other authorized leave.

If the employee agrees to see the EAP counselor, management will send all information either directly to the EAP office or sealed and given to the employee to be taken to the EAP office at the time of the first interview with the EAP counselor.

- e. When management refers an employee to the Employee Assistance Program, management will be advised only of the following:
  - (1) Whether or not the employee kept the appointment.
  - (2) Whether or not there is a personal or health problem for which there

is help (not the specific problem itself).

(3) Whether or not the employee is willing to accept such help.

(4) That the employee:

(a) Will not require time away from work; or

(b) Will require time away from work, in which case a specific leave date will be given by the Employee Assistance Counselor, management will be advised as early as possible of the return to work date.

f. If the employee rejects the offer of referral to the EAP and the work problems do not recur after the interview, no further action is required.

g. If the problem recurs, a second formal interview (with documentation) and a strong referral to the EAP will be necessary.

h. Nothing in this policy shall limit the right of the City to take disciplinary action against an employee.

## **7.09 Tuition Reimbursement**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

The City of Huntsville recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve related skills or enhance their ability to compete for reasonably attainable jobs within the City.

### **Eligibility**

The City of Huntsville will provide educational assistance to all full-time regular employees who have completed one year of employment with the City. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily throughout the completion of each course.

While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

### **Guidelines**

- A.** Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position within the organization in order to be eligible for educational assistance. Human Resources has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position.
- B.** The City invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the City's employment within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to one hundred percent (100%) of the original educational assistance payment for the prior year.
- C.** Approval shall be obtained in advance, prior to starting the course, from the department head and Human Resources.
- D.** The City will allow up to \$500 (grade of "C" or better) per employee, per course, up to \$1500 per fiscal year, upon successful completion of the course for either undergraduate or post graduate course work.



**Procedure**

Tuition reimbursement funding will be administered centrally by Human Resources. Expenses authorized under this policy will be subject to overall budget availability.

**Section VIII**

**Employee Safety Programs**

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### **8.01 Risk Management and Financing**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

The City of Huntsville maintains an aggressive Risk Management program. The management of this program is the shared responsibility of the Training/Risk Coordinator, the City Manager and the department heads.

The City of Huntsville shall be protected against accidental loss or losses that in the aggregate during any fiscal year would significantly affect personnel, property, income or the ability of the City to continue to fulfill its responsibilities to its taxpayers, employees and the public.

The financing of all risk shall be consistent with the resources of the City. All risk financing decisions shall be coordinated through the City Manager, the Director of Administrative Services and the Director of Finance.

In recognition of its financial resources and the spread of its physical assets, the City will accept the retention of uninsured losses subject to insurance market conditions.

The level of uninsured losses to be financed each year shall be established by the City Council upon receipt of the risk financing recommendations of the City Manager, the Director of Administrative Services and the Director of Finance.

#### **Procedure**

- A.** The City shall continue to apply the risk management process as described in Section 8 of the Employee Policy and Procedures, which includes a process of continuous identification of loss exposures, analysis of exposures, examination and selection of alternative risk management techniques, and implementation and monitoring of the Risk Management process.
- B.** The City Manager will have the final responsibility of assuring that a prudent Risk Management program is in place at all times. A review of the program, including loss exposures, risk controls, self insurance plans, and appropriate insurance coverage, and risk retention levels shall be conducted no less than annually at minimum.
- C.** The day to day administration of the Risk Management program, including emphasis on coordinated risk control efforts is assigned to the Training/Risk Coordinator under the direction of the Director of Administrative Services.
- D.** The assignment of counsel for defense of claims against the City or for recoveries from third parties shall be done by the City Attorney.

*Employee Policies and Procedures, Section 8*

- E.** Management at all levels shall continue to provide means for prompt corrective action in the elimination of unsafe acts, conditions, equipment, or mechanical hazards.
- F.** The level of financing shall take into consideration an annual analysis of the loss history of the City of Huntsville Risk Management program accomplished by an independent actuary.

## **8.02 Risk Management Responsibilities**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

A. **Training/Risk Coordinator**, along with the City Manager and the Director of Administrative Services, has the overall responsibility for planning, organizing, leading, controlling and coordinating risk management activities throughout City employment.

B. **Department Head - Supervisor shall:**

1. Assume full responsibility for safe and or healthy working conditions for all employees.
2. Insure that all management policies herein are fully implemented for maximum efficiency of each job.
3. Take the initiative in recommending correction of deficiencies noted in facilities and work procedures affecting City loss control efforts.
4. Be firm in enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and by being prompt to give recognition to those who perform well.
5. Insure that each employee is fully trained for the job assigned and that the employee is familiar with published department work rules.
6. Fully cooperate with the Training/Risk Coordinator in shutting down operations considered to pose imminent danger to employees or in removing personnel from hazardous jobs when they are not wearing or using prescribed protective equipment.
7. Fully cooperate with the Training/Risk Coordinator in the risk management process of identification, selection, implementation, and monitoring of loss exposures.
8. Fully cooperate with the Training/Risk Coordinator in gathering loss exposure data for commercial insurance procurement and risk financing objectives.

C. **Employee** - Each City employee shall be fully responsible for implementing the provisions of the safety program as it pertains to operations. The responsibilities listed are MINIMUM, and they shall in no way be construed to limit individual initiative to implement more comprehensive procedures to eliminate hazards.

1. Report all unsafe conditions to the immediate supervisor.

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2. Keep work areas clean and orderly at all times.
3. Report all accidents immediately to the supervisor.
4. Avoid engaging in any horseplay and avoid distracting others.
5. Learn to lift and handle materials properly.

Each employee working at hazardous jobs shall, in addition:

- a. Obey all safety rules and follow published work instructions. If any doubt exists about the safety of doing a job, STOP and GET INSTRUCTIONS from the supervisor before continuing work.
- b. Only operate equipment that has been authorized by the supervisor.
- c. Use only the prescribed equipment for the job and handle it properly.
- d. Wear required protective equipment when working in hazardous operation areas.
- e. Dress safely and sensibly.
- f. Take an active part in the safety program.

### **8.03 Risk Management Procedures**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

#### **Policy**

The effectiveness of risk management is directly related to the quality of supervision, a thorough understanding of potential risk exposures, and daily operations that reinforce safe work practices.

**Job Safety Analysis for Hazardous Work** - To eliminate accidents in high hazard areas, it is mandatory that each supervisor thoroughly instruct employees on the hazards that exist and insure that they understand the methods of doing each job safely when such hazards cannot be eliminated.

Relying on memory alone during the instruction of an employee is assurance that some important items will be overlooked. Therefore, it is essential that the supervisor use published work rules which define each hazardous task and the correct procedures for its safe accomplishment. This enables the supervisor to attain a consistent quality of instruction that instills employee confidence in their own capabilities and those of management. Departments will provide a copy of the work rules to all employees.

#### **A. Procedures for Job Safety Analysis are as Follows:**

1. The job is broken down into basic steps. These steps describe what is to be done in sequence. Omit details which have no bearing on the objective.
2. After the steps are listed, each step is analyzed for hazards that could cause an accident. The purpose is to identify as many hazards as possible, whether produced by the environment or connected with mechanics of the job procedure, so that each step of the entire job can be done safely and efficiently.
3. When the hazards and potential accidents associated with each step are identified and their causes understood, ways of eliminating them shall be developed. There are four (4) ways in which this can be handled:
  - a. Eliminate the process or operation or provide a substitute action which can be done without the hazard; or
  - b. Isolate the process operation so as to eliminate or minimize the hazard; or
  - c. Provide guards or automatic devices to eliminate or minimize the hazard; or
  - d. Provide personal protective equipment and enforce its use to eliminate the possibility of injury.

- B. Job Safety Training** - No supervisor shall assume that a newly-hired, newly-assigned, or reassigned employee thoroughly knows all safe job procedures. They must be trained. The four-point method of job instruction has been found best suited for all hazardous operations: Preparation, Presentation, Performance and Follow-up.

1. Preparation:

- a. Put employee at ease.
- b. Define the job and find out what the employee already knows about it.
- c. Instill interest in learning the job.

2. Presentation:

- a. Narrate, show and illustrate one important step at a time.
- b. Stress each key point.
- c. Instruct clearly, completely and patiently, but cover no more than can be mastered each time.

3. Performance:

- a. Have the employee do the job with coaching during performance.
- b. Have the employee explain each key point as the job performance is repeated.
- c. Make sure the employee understands.
- d. Continue until you know the employee understands.

4. Follow-up:

- a. Allow the employee to work independently.
- b. Designate to whom the employee goes for help.
- c. Check frequently; encourage questions.
- d. Taper off extra coaching and close follow-up.

- C. Personal Protective Equipment** - The designation and use of protective equipment for all jobs which have an inherent injury potential shall be specified by the supervisors involved. Detailed specifications for the design, purchase and use of all protective equipment shall be coordinated between the Training/Risk Coordinator and the supervisors and then recommended to the department head.



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Specialized protective equipment specified as mandatory on hazardous jobs shall be provided by the City of Huntsville and employees shall be fully accountable for its use and condition. Work boots and prescription safety glasses shall be provided by the City of Huntsville when required.

1. Equipment Listed shall be Worn when Hazards as Described Exist:

- a. Hard hats to protect the head against falling objects, head bumping situations or electrical conductors.
- b. Goggles, face shield or safety glasses to guard against airborne debris, dust, flying particles, chips, chemicals, heat or injurious rays.
- c. Ear plugs or ear muffs to guard against prolonged exposure to noise exceeding sound levels defined by law.
- d. Respirators, gas masks, airline respirators, hose masks and self-contained breathing apparatus to protect employees against toxic or abnormal atmospheric conditions.
- e. Safety shoes to protect feet against possible injury from articles that can be dropped, vehicle wheels, machines and nail punctures.
- f. Life jackets when working over water, (i.e. reservoirs, rivers, lakes and tanks).
- g. Reflective vests or bright articles to increase worker's visibility while working in or around traffic lanes.
- h. Protective clothing such as gloves, sleeves, aprons, leggings and full suits to protect against wounds, abrasions, bumps, slag, heat or melted metals.

2. Mandatory Use of Protective Equipment - When the use of personal protective equipment has been specified for hazardous work, its use shall be mandatory as a condition of employment. Supervisors shall be held accountable for employees allowed to work without compliance. Enforcement can be made easier by educating employees on the reasons for using or wearing the articles and the possible injuries that can result when the need is ignored. The monthly review of injuries by the Safety Committee shall place emphasis on those injuries that resulted from failure to use protective equipment.

NOTE: City employees assigned to inspect or work at construction sites or other areas under the jurisdiction of other employers shall comply with the safety regulations established by those employers if they exceed City requirements.

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- D. Proper Dress for Work** - Each employee shall wear clothing suitable to the job he/she is performing at all times. Suitable clothing means clothing that will minimize danger from moving machinery, hot or injurious substances, sunburn, etc.

All employees working in the field 50% or greater shall wear work boots or safety shoes suitable for their particular type of work to avoid possible falling objects, crush type injuries, nail punctures, weed-eaters, slip and falls and chemicals. Open toed shoes, high heels, loafers and tennis shoes will not be permitted on job sites.

Individuals with long hair shall wear a cap or net while working around machines. Individuals required to wear breathing devices in toxic atmospheres shall be clean shaven where the mask makes contact with the face.

Examples: Employees working on construction sites shall not wear tennis shoes, loafers or sandals; Employees shall not wear high platform sandals or shoes while working if the thickness of the sole and heel is extreme and causes the wearer to walk precariously.

- E. First Aid Training For Supervisors** - All supervisors responsible for hazardous operations as well as other selected employees shall be trained in First Aid.

1. Purpose of First Aid Guidelines - The purpose of first aid guidelines is to provide immediate and temporary care for employees who are victims of an accident or sudden illness until the services of a physician can be obtained. First Aid does not eliminate the need for medical attention.
2. Training - The most important principle of first aid is to know how to apply it immediately when the need arises. For detailed instructions on first aid, all supervisors and selected personnel shall know and practice the standard first aid theory and skills taught in "Standard First Aid" and found in "The American National Red Cross First Aid Textbook".
3. Equipment Available for First Aid - First Aid kits shall be placed and maintained in readily accessible locations on every job site and be of appropriate size for the crew at the site.

- F. Bloodborne Pathogen** - In recognition of the special hazards associated with risk of exposure to and transmission of bloodborne pathogens, including but not limited to HIV (human immunodeficiency virus), HAV (hepatitis A virus) and HBV (hepatitis B virus), the following special policies and procedures are adopted for all work entailing such. This procedure represents a minimum standard and it is recommended that each department establish specific guidelines to adapt these procedures to operating conditions.

1. Infection Control Representative(s) - The Training/Risk Coordinator will be designated as responsible for the implementation of these policies and procedures.

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2. Exposure Control Plan - In conjunction with use of these policies and procedures, an exposure control plan will be implemented to minimize or eliminate exposure to bloodborne pathogens.
3. Universal Precautions - All blood and body fluids will be treated as infectious, although the special hazards and higher risks of transmission with certain body fluids are recognized. Universal Precautions will be used in all work activities with any potential for exposure to blood or other body fluids. Universal Precautions defines "all patients should be assumed to be infectious for bloodborne diseases such as AIDS and hepatitis A and B."
4. Engineering and Work Practice Controls - Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.
  - a. Hand Washing:
    - (1) Hand washing facilities which are readily accessible to employees shall be provided. When provision of hand washing facilities is not feasible, an appropriate antiseptic hand cleaner in conjunction with clean cloth, paper towels or antiseptic towelettes will be provided. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
    - (2) Employees shall wash their hands immediately or as soon as feasibly possible after removal of gloves or other personal protective equipment. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
  - b. Handling of Sharps:
    - (1) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed. Shearing or breaking of contaminated needles is prohibited. Contaminated needles and other contaminated sharps shall not be recapped or removed unless no alternative is feasible or such action is required by a specific medical procedure which must be documented and approved by the Training/Risk Coordinator prior to the use of such procedures. Recapping or needle removal shall be accomplished by a mechanical device or one-handed technique.
    - (2) Contaminated reusable sharps shall be placed in appropriate containers (puncture resistant, leak proof on sides and bottom, Biohazard labeled) and shall not be stored or processed in a

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manner that requires employees to reach by hand into the containers where these sharps have been placed.

c. Personal Habits, Food and Drink:

- (1) Eating, drinking, smoking, the application of cosmetics or lip balm, and the handling of contact lenses are prohibited in work areas with reasonable likelihood of occupational exposure to bloodborne pathogens.
- (2) Food and drink shall not be kept in refrigerators, freezers, shelves, or cabinets nor on countertops or bench tops where blood or other potentially infectious materials are present.

d. Specific Work Practices:

- (1) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances. Mouth siphoning of blood or other potentially infectious materials is prohibited. No objects should be placed in the mouth. The nose, mouth, and eyes should not be touched during or after patient contact until proper hand washing procedures have been followed. Special care and precautions shall be taken at any time an employee may have open cuts, sores, or dermatitis that may compromise the barrier protection provided by skin. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.
- (2) The minimum number of personnel required shall be involved with any procedure entailing exposure to bloodborne pathogens and exposure time should be minimized.

e. Storage and Transfer of Blood and Other Infectious Body Fluids:

- (1) The container for storage, transport, or shipping (including freezer and refrigerators used for storage of blood or other potentially infectious materials) shall be "Biohazard" labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels (except for containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use) and closed prior to being stored, transported or shipped.

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- (2) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method, preventing loss or unintentional removal, or otherwise placed in red bags substituted for labels.
  - (3) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics.
- f. Equipment Contaminated by Blood or Other Infectious Body Fluids - Equipment which may become contaminated by blood or other potentially infectious material(s) shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless unfeasible. If not feasible, the reasons for inability to decontaminate the equipment shall be documented by a designated Infection Control Representative and those portions that have not been decontaminated shall be labeled. Further, a designated Infection Control Representative shall ensure that this information is conveyed to all affected employees, the servicing representative, or the manufacturer, as appropriate, and prior to handling, servicing, or shipping, so that appropriate precautions shall be taken.
- g. Personal Protective Equipment:
  - (1) All employees performing tasks entailing reasonably anticipated exposure to blood or other potentially infectious materials will be provided, and are required to use, appropriate personal protective equipment, such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Such equipment shall be repaired or replaced as needed to maintain its effectiveness, at no cost to the employee. Personal protective equipment will be considered “appropriate” only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee’s work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
  - (2) Under rare and extraordinary circumstances when it is the employee’s professional judgment that in the specific instance, use of protective clothing and equipment would have prevented the delivery of health

care or public safety services, or would have posed an increased hazard to the safety of the worker or co-worker, the employee shall document these circumstances and inform the Training/Risk Coordinator, who shall investigate the circumstances and determine whether changes can be instituted to prevent such occurrences in the future. The Training/Risk Coordinator shall document all such occurrences.

- (3) Appropriate personal protective equipment in the appropriate sizes shall be readily accessible at the worksite or issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.
- (4) Any garment penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
- (5) Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious material(s), mucous membranes, and/or non-intact skin.
- (6) Disposable (single use) gloves such as surgical or examination gloves and utility gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for re-use.
- (7) Masks, in combination with eye protection devices such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- (8) Protective clothing, such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in situations with reasonably anticipated exposure to blood or other potentially infectious material(s). The type and characteristics will depend upon the task and degree of exposure anticipated.

h. Cleaning and Disinfection:

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- (1) The worksite shall be maintained in a clean and sanitary condition.
- (2) All equipment, as well as environmental and working surfaces, shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
- (3) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious material(s) and at the end of the work shift if the surface may have become contaminated since the last cleaning.
- (4) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.
- (5) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood of becoming contaminated with blood or other potentially infectious material(s) shall be inspected and decontaminated immediately or as soon as feasible upon visible contamination.
- (6) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.
- (7) Reusable sharps that are contaminated with blood or other potentially infectious material(s) shall not be stored or processed in a manner that requires employees to reach by hand into the containers where sharps have been placed.
- (8) During use, containers for contaminated sharps shall be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found, shall be maintained upright throughout use, and shall be replaced routinely and not be allowed to overfill.
- (9) When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping and placed in a secondary container if leakage is possible. The second container shall be closable, constructed to contain all contents and prevent leakage

during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels.

- (10) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

i. Medical Waste:

- (1) Medical waste shall be considered: any liquid or semi-liquid blood or other potentially infectious material(s), dried blood or other potentially infectious material(s) in any form. This includes any items which may have such material(s) on them in any form with the exception of reusable equipment, instruments, or personal protective clothing and equipment which undergoes proper decontamination procedures.
- (2) Medical waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels. These shall be closed prior to removal or in red bags substituted for labels, to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
- (3) If outside contamination of such container(s) occurs, it shall be placed in a second container. The second container shall be closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels. This container shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.



- (4) Disposal of all sharps and medical waste shall be in accordance with applicable regulations of the United States, state, and local ordinances.

j. Laundry Practices:

- (1) Contaminated laundry shall be handled as little as possible with minimum agitation and shall be bagged or contained at the location where it was used and shall not be sorted or rinsed in the location of use. Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels. Universal Precautions shall be used in the handling of all soiled laundry.
- (2) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through or leakage of fluids to the exterior.
- (3) All employees who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment.
- (4) Laundry shipped off-site shall be placed in containers which are labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels.

k. Hepatitis A and B Vaccination:

- (1) Hepatitis A and B vaccine and vaccination series shall be made available to all employees with reasonably anticipated exposure to blood or other potentially infectious material(s) at no cost to the employee. Such vaccination(s) will be performed at a reasonable time and place by or under the care of a licensed physician or under the supervision of another licensed healthcare professional. These shall be provided according to current recommendations of the U.S. Public Health Service at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory at no cost to the employee.

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- (2) Hepatitis A and B vaccination shall be made available after the employee has received the Bloodborne Pathogens Education Program and within ten (10) working days of initial assignment to duties with reasonably anticipated exposure to blood or other potentially infectious material(s) unless the employee has previously received the complete hepatitis A and B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons. Prescreening is available to, but not required of such employees and is provided at no cost. Employees initially declining hepatitis A and B vaccination but at a later date decide to accept the vaccination the hepatitis A and B vaccination shall be made available according to the provisions of this policy at that time.
  - (3) All employees who decline to accept hepatitis A and B vaccination offered by the employer shall sign the Hepatitis A and B Vaccination Refusal Form.
  - (4) Routine booster dose(s) of hepatitis A and B vaccine, recommended by the U.S. Public Health Service, shall be made available to employees who at the time such recommendations are applicable have reasonably anticipated exposure to blood or other potentially infectious material(s) at no cost to the employee. Such doses shall be made available to the employee at a reasonable time and place, and performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.
- l. Bio Hazard Labeling - Warning labels shall be affixed to containers of regulated waste, refrigerators, and freezers containing blood or other potentially infectious material(s); and other containers used to store, transport, or ship blood or other potentially infectious material(s), except that red bags or red containers may be substituted for labels. Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from these labeling requirements. Individual containers of blood or other potentially infectious material(s) that are placed in a labeled container during storage, transport, shipment or disposal are exempt from the labeling requirement. Labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color. Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevent their loss or unintentional removal. Such labels are required for contaminated equipment and shall also state which portions of the equipment remain contaminated.
- m. Post-Exposure Evaluation and Follow-up:

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- (1) In the event of employee exposure, Human Resources is responsible to execute medical evaluation and follow-up immediately following any exposure.
  - (a) The City can request that the source individual consent to serologic testing for evidence of HIV/HBV infection.
  - (b) If the source person consents to serologic testing and is seronegative and has no evidence of HIV/HBV infection.
    - (i) The employee and the source person are to be informed of the test results.
    - (ii) A record is to be maintained of those results and in such matters there will be no follow-up.
- (2) If a City employee is involved in an exposure incident, the employee is to report the potential exposure to their supervisor immediately. The supervisor will contact the Training/Risk Coordinator or his/her representative immediately. It is the responsibility of the department head or his/her representative, working in cooperation with the Training/Risk Coordinator, to obtain the following information:
  - (a) Nature of the exposure
  - (b) Extent of the exposure
  - (c) Suspected source and witness information
- (3) The employee is required to immediately go for a medical evaluation at Huntsville Memorial Hospital. The testing and medical evaluation will be conducted to determine seronegativity by a consulting physician based on the following schedule listed below. Should a test be found to be positive additional testing will be conducted as ordered by the consulting physician. Human Resources shall be responsible for maintaining all records.
  - (a) The employee will be medically evaluated for evidence of infection immediately.
  - (b) The employee will be medically evaluated for evidence of infection at six (6) weeks after the first test.
  - (c) The employee will be medically evaluated for evidence of infection at twelve (12) weeks after the first test.

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- (d) The employee will be medically evaluated for evidence of infection at six (6) months after the first test.
  - (e) The employee will be medically evaluated for evidence of infection at one (1) year after the first test.
  - (f) If all the above tests are negative no further follow-up will be conducted.
  - (g) Medical and Psychological consulting will be made available for both the employee and their family, when appropriate.
  - (h) The requirements of the Worker's Compensation Act will be followed if the exposure incident and subsequent conversion is determined to arise out of and be in the scope of employment. All costs related to the regimen of testing will be paid by the City of Huntsville. The City will make reasonable efforts to maintain the confidentiality concerning an employee's exposure to any communicable disease.
- n. Education and Training - All employees with reasonably anticipated exposure to blood or other potentially infectious material(s) shall participate in the Bloodborne Pathogens Education Program at no cost to the employee and during working hours. This shall occur at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training, when changes such as modification of tasks or procedures or the institution of new tasks or procedures affect the employee's occasional exposure, shall be provided which may be limited to addressing the new exposures created.
- o. Record Keeping:
  - (1) An accurate medical record for each employee with occupational exposure, in accordance with 29 CFR 1910.20, shall be maintained by the Training/Risk Coordinator. This record shall include the name and social security number of the employee, a copy of the employee's hepatitis A and B vaccination status including the dates of all the hepatitis A and B vaccinations and any medical records relative to the employee's ability to receive vaccination, a copy of all results of examinations, medical testing, and follow-up procedures required as part of any post-exposure medical evaluation including the employer's copy of the healthcare professional's written opinion and a copy of the information provided to the healthcare professional as part of that evaluation.

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- (2) Employee medical records will be kept confidential and not disclosed or reported without the employee's express written consent to any person(s) within or outside the workplace except as required by this section or as may be required by law. Such records shall be maintained for at least the duration of employment plus thirty (30) years, except as provided in accordance with 29 CFR 1910.20.
- (3) Training records shall be maintained and shall include the dates of the training sessions, contents or a summary of the training sessions, the names and qualifications of persons conducting the training, the names and job titles of all persons conducting the training, and the names and job titles of all persons attending the training sessions. Training records shall be maintained for three (3) years from the date on which the training occurred.
- (4) All employee medical records or training records shall be made available upon request to the Assistant Secretary of OSHA and the Director of the Occupational Safety and Health Administration (OSHA) for examination and copying.
- (5) Employee training records shall be provided upon request for examination and copying to employees, to employee representatives, and to the Director or Assistant Secretary (OSHA) in accordance with 29 CFR 1910.20.
- (6) Employee medical records shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to the Director or the Assistant Secretary (OSHA) in accordance with 29 CFR 1910.20 (h).
- (7) Requirements involving transfer of records set forth in 29 CFR 1910.20 (h) shall be followed.
- (8) The Director of OSHA shall be notified at least three (3) months prior if cessation of business occurs and there is no successor employer to receive and retain the records for the prescribed period. Such records shall be transmitted to the Director, if requested by the Director to do so, within that three (3) month period.

p. Employee Responsibilities:

- (1) In addition to specific responsibilities outlined above, employees performing tasks with reasonably anticipated exposure to blood or other potentially infectious material(s) are required to inform a designated Infection Control Representative if proper protective

clothing and equipment is unavailable or appears inadequate to provide appropriate protection from such exposure. Employees are required to report to a designated Infection Control Representative any incidents or observations suggesting inadequate use of personal protective clothing and/or equipment or other control measures by any employee.

- (2) Employees are required to follow the requirements of these policies and procedures, including all work practice requirements. The use of Universal Precautions and the use of specific engineering controls and protective equipment outlined is mandatory.
- (3) Employees that do not follow these requirements are subject to disciplinary action up to and including discharge.

- q. Department Policies - Selected departments in the City of Huntsville will implement an operational policy for dealing with exposure to bloodborne pathogens to attach to and supplement the general City policy.

**G. Hazard Communications Safety Procedure** - The Federal Emergency Planning and Community Right to Know Act (42 U.S.C. Section 11001- 11050).

1. Overview:

- a. As part of a policy that every employee is entitled to work in a reasonably hazard free environment, The City of Huntsville has adopted this procedure to ensure that every employee is aware of the safety and health hazards associated with the chemical products used within their operating departments.
- b. The Hazard Communications Safety Procedure (HCSP) is under the direct supervision of the Training/Risk Coordinator of Administrative Services. The procedure is intended to ensure that:
  - (1) All hazardous chemicals are properly identified and labeled upon entry into the work place.
  - (2) Material Safety Data Sheets (MSDS) for hazardous chemicals are maintained in each department and are readily available to the employees working with those chemicals.
  - (3) Employees working with hazardous chemicals are properly instructed about the hazards of those chemicals,

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how to work safely with them and what special precautions are required.

- (4) Compliance is maintained with State and Federal law as it Relates to employee and community right-to-know requirements.

2. **Compliance Procedures:**

- a. The Training/Risk Coordinator will conduct a yearly survey of chemicals in use within City departments. User departments are to submit an updated list to the Training/Risk Coordinator.
- b. The Training/Risk Coordinator will maintain a central training record by employee, date, trainer and department for all City operations.
- c. The Training/Risk Coordinator will submit to each department a previous list of chemicals reported in use. Upon receipt a review is to be made for changes, additions and deletions. The responsibility to complete the yearly chemical survey and update the chemical list is that of the department head.

**H. Material Safety Data Sheet Requirements:**

- 1. Purchasing will be responsible for obtaining Material Safety Data Sheets on all chemicals for which it purchases.
- 2. Purchasing will be responsible to distribute the Material Safety Data Sheets as follows:
  - a. One copy to Human Resources.
  - b. One copy to the user department.
- 3. Departments that purchase their own chemicals shall be responsible for obtaining those particular Material Safety Data Sheets.

Departments procuring their own Material Safety Data Sheets shall distribute one copy to Human Resources.

- 4. Each department will maintain copies of the Material Safety Data Sheet for hazardous chemicals at each work site in a manner readily accessible to employees in the area during every work shift. The department will:
  - a. Check each Material Safety Data Sheet to verify that it contains the required information.
  - b. Contact the vendor, in conjunction with Human Resources, immediately if the information is inadequate.

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- c. Maintain a master list of all Material Safety Data Sheets for hazardous chemicals used in the department.
  - d. Direct copies of the Material Safety Data Sheets to each supervisor using that particular hazardous chemical.
  - e. Be responsible for disbursing copies of Material Safety Data Sheets to medical personnel, employees or their designated representatives and authorized governmental representatives.
- 5. Training/Risk Coordinator will be responsible to maintain a City-wide master inventory of Material Safety Data sheets for hazardous chemicals.
- 6. It is the joint responsibility of the Training/Risk Coordinator and the user department to ensure that the following minimum data is made available on the Material Safety Data Sheets.
  - a. Identity used on the label.
  - b. Physical and chemical characteristics.
  - c. Physical hazards.
  - d. Health hazards, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical.
  - e. Primary routes of entry.
  - f. OSHA permissible exposure limit, American Conference of Governmental Industrial Hygienist, Inc. (ACGIH) threshold limit value and manufacturer recommended limits.
  - g. Whether the subject material is listed in the latest edition of the National Toxicology Program (NTP) Annual Report on Carcinogens, and International Agency for Research on Cancer (IARC) Monograph as a potential carcinogen or an OSHA potential carcinogen.
  - h. Generally recognized precautions for safe handling and use (which are known to the Material Safety Data Sheet preparer).
  - i. Generally applicable control measures such as appropriate engineering



controls, work practices and personal protective equipment.

- j. Emergency and first aid procedures.
- k. Procedures for cleanup of leaks or spills.
- l. The date of preparation of the Material Safety Data Sheets or the last change to it.
- m. The name, address and 24-hour telephone number of the preparing or distributing manufacturer who can provide additional information.

7. Training Procedures:

- a. Each employee who is or may be exposed to a hazardous chemical(s) shall be provided with information regarding the requirements of the MSDS and any operations which use hazardous chemicals and the location(s) of this written procedure. Additionally, each employee shall be trained as to the detection methods, physical and health hazards, protection methods, as well as labeling and Material Safety Data Sheet provisions for hazardous chemicals in use.
- b. Every current employee shall be so informed and trained annually thereafter. When a new employee is hired or transferred, that employee will receive information and training at the time they are assigned to work in an area which may expose them to a hazardous chemicals.
- c. Whenever a new chemical or toxic substance is introduced into the work place, all affected employees shall be trained as to the hazard(s) involved.
- d. All employee information and training shall be conducted by, and be the responsibility of the department, and all training information will be forwarded to the Training/Risk Coordinator. A written record shall be kept which identifies the names of persons trained, the date of training, the trainer and training outline. Information and training shall include as a minimum the following elements:
  - (1) Information on the requirements of the Material Safety Data Sheets, which includes availability of information, exemptions from the standard, interpretation of key definitions and how a chemical is deemed hazardous.
  - (2) The employees shall be informed of the hazardous chemicals within their work areas and as to where these chemicals are located.
  - (3) The employees shall be informed of the location of the MSDS

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Manual. They shall also be informed that this procedure contains a list of all hazardous chemicals on site as well as a copy of each pertinent Material Safety Data Sheet.

- (4) Employees shall be trained to understand how a self-monitoring system works, how an alarm system works and how the labels on containers identify the location of and the hazardous nature of chemicals.
- (5) The employees shall be trained as to the details of this Hazard Communication Program, including a review of each section of this program. Particular attention shall be given to the explanation as to how a Material Safety Data Sheet is constructed and what the various sections contain. Attention is to be given to the labeling program and how names on labels key to the specific Material Safety Data Sheet. Coding stationary containers is to be explained. At this time employees must be told exactly how they can obtain copies of a Material Safety Data Sheet.
- (6) Employees shall be informed of the hazards of specific chemicals to which they are exposed. This may be done either by individual chemical or by class of chemical hazard. Information on such hazards, both health and physical, shall be taken from the Material Safety Data Sheet for that chemical or class of chemicals.
- (7) Utilizing information from the Material Safety Data Sheets, every employee shall be trained as to how they may protect themselves from exposure. This must include all safety supplies and equipment to be used. Specific items to be covered include, but are not limited to:
  - (a) Cleaning of tanks and reactors.
  - (b) Changing hoses and pipes which may contain hazardous chemicals.
  - (c) Other activities as required.

### 8. Information for Contractors:

- a. It shall be a condition of any contract issued for services by another employer that the contractor's employees be properly trained. This can be accomplished by arranging a meeting with the contractor prior to initiation of contract work. At such a meeting the contractor will be informed of the specific chemicals to which their employee will be exposed, will be given

copies of pertinent Material Safety Data Sheets, and will be advised of safety procedures. The contractor must supply like information and training for City employees when chemicals are used in their process and or work.

- b. At the conclusion of any information and training session an opportunity for QUESTIONS must be conducted. If an answer is not known, the instructor will obtain the answer. Once the answer is obtained it will immediately be conveyed to the employee in writing.

**I. Procedure to Ensure Proper Labels** - All containers which contain hazardous chemicals shall be labeled in accordance with the OSHA regulations (29 CFR Part 1910.120). In order to ensure that this is accomplished, the following steps will be taken:

- 1. Purchasing will notify suppliers outlining directions for proper labeling.
- 2. The departments receiving chemicals are instructed as follows:
  - a. Determine whether incoming orders contain hazardous chemicals.
  - b. Inspect those containers to determine if labels are affixed.
  - c. Make sure that labels contain the name of the material, an appropriate hazard warning, the name and address of the manufacturer, importer, or other responsible party.
  - d. If you are unsure as to whether the hazard warning is appropriate, contact the Training/Risk Coordinator.
  - e. In the event that labels are not affixed it shall be the responsibility of the department receiving the chemicals to see that the proper labels are affixed to the containers. Contact Purchasing prior to unloading the shipment for use, if there is a problem in this regard.
  - f. In the event that Purchasing is notified that labels are not present, the Purchasing Agent shall immediately contact the supplier to make arrangements to obtain labels.

**J. Procedure to Ensure that Labels Contain Required Information:**

- 1. All containers of hazardous chemicals must be labeled in accordance with OSHA regulations. Specifically, each required label must contain the following information:
  - a. The identity of the hazardous chemical.

- b. Appropriate hazard warning.
  - c. Name and address of the chemical manufacturer, importer or other responsible party.
2. In order to assure that this is accomplished, an appropriate hazard warning must clearly and concisely identify the hazard. Examples of appropriate hazard warnings are:
- a. Physical hazards classified and listed as:
    - Corrosive
    - Irritant
    - Reactive
    - Oxidizers
    - Flammable/combustible
    - Explosive
  - b. Health hazards, classified and listed as:
    - Acutely toxic
    - Chronically toxic
    - Carcinogenic
    - Mutagenic
    - Teratogenic
    - Sensitizing agent
  - c. Route of entry.
  - d. Symptoms, acute and chronic exposure.
  - e. Safe handling procedures.
  - f. Emergency procedures.
3. The name and address of the manufacturer, importer or other responsible party. This name should be the same as found on the bill of lading received with the shipment. In the event that labels do not contain the required information, employees are instructed to contact the Purchasing Department and not unload or distribute the materials.

**K. Procedures to Ensure that Labels are Properly Displayed:**

- 1. All containers of hazardous substances shall be labeled and such labels shall remain on the container for the life of the container.

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2. All employees are to be instructed that labels are not to be removed.
3. If labels are destroyed or removed, the container's contents are to be identified and marked with the required information which may be copied from another identical container.

**L. Procedures for Labeling Stationary Containers** - Stationary containers will be labeled by the using department. When such systems are used, written information such as:

1. Color code identification;
2. Placard explanations; and
3. Process sheet details and identifiers,

will be compiled into clearly marked manuals and made available in central locations within the work area. All employees will be notified of the existence and location of such material(s) by their supervisors.

**M. Identification of Transfer Containers:**

1. Transfer containers need not be labeled if hazardous material(s) transferred in them are immediately and completely used by the employee conducting the transfer. The transfer shall not be made until all necessary information regarding possible hazards of transfer have been explained to the employee.
2. Operations personnel are to be instructed about this option. Questions as to whether a container qualifies for this exemption shall be referred to the Training/Risk Coordinator. If a question arises, the container will be labeled.

**N. Respiratory Protection Program:**

Overview:

1. When it is not feasible to render the environment completely safe it may be necessary to protect the worker from contact with airborne contaminants. Personal protective equipment should be provided and used when:
  - a. It is not possible to enclose or isolate the process or equipment, provide ventilation, or use other control measures; and/or
  - b. There are short exposures to hazardous airborne concentrations of contaminant.

2. Design of respiratory protective devices varies in application and protective capability. The department head or his designate and the Training/Risk Coordinator are to assess the inhalation hazard to assure proper selection.

**O. Responsibility - Program Administration:**

1. Formulation and coordination of the Respiratory Protection Program is the responsibility of the department head or his/her designee and the Training/Risk Coordinator. These responsibilities include:
  - a. Formulating and making necessary changes in the respiratory protection program to adapt it to departmental use.
  - b. The Training/Risk Coordinator and the department head or his/her designate will make certain the program complies with federal, state, and local regulations and ordinances.
  - c. The Training/Risk Coordinator will arrange periodic monitoring and advise appropriate departments/divisions of potential hazards arising out of any current or proposed process or operation.
  - d. The department head and the Training/Risk Coordinator will specify engineering and management controls necessary to minimize employee exposure to potentially harmful air contaminants, and specify the design and quality of the respiratory protective equipment.
  - e. The Training/Risk Coordinator and the department head will periodically measure the program's effectiveness by conducting random inspections to assure that respirators are properly selected, used, cleaned, and maintained.
2. Each City supervisor will understand the Respiratory Protection Program.
  - a. They will maintain a work environment that assures the maximum safety and health of employees.
  - b. The supervisor shall furnish employees with the proper personal respiratory protective equipment, ensure proper use, and enforce the wearing of such equipment.
3. The employee should notify his/her supervisor or department head immediately when certain conditions or practices may cause personal injury or illness as it relates to respirator use.
4. The employee shall make use of all prescribed respiratory protective equipment, and follow established practices and procedures.

**P. Medical Evaluation:**

1. Employees should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the assigned tasks requiring respirators.
  - a. Human Resources will arrange for Pulmonary Function Screening for respirator users under the supervision of a physician.
  - b. The respirator user's medical status will be reviewed periodically by a City designated physician.
  - c. The results will be reported to the department, the employee, and Human Resources.
  - d. Procedures for confidentiality and access standards for the actual medical records of the Pulmonary Function
2. Screening for respirator users will be maintained by the Training/Risk Coordinator.

**Q. Minimal Acceptable Respirator Program** - Any department finding it necessary to supply respiratory protective equipment will have written procedures governing the selection, use, and care of respirators with the assistance of the Training/Risk Coordinator.

1. This procedure shall be provided to every respiratory user.
2. Training/Risk Coordinator will approve the written procedure.

**R. Training** - Minimum training for both respirator user and supervisor will include but is not limited to the following:

1. Instruction in the nature of the hazard, whether acute, chronic or both, with an honest appraisal of what may happen if the respirator is not used properly;
2. A discussion of the selection of the type of respirator for the particular purpose;
3. A discussion of the respirator's capabilities and limitations;
4. Instruction and training in actual use of the respirator, especially a respirator for emergency use. This is to include having the respirator fitted properly, testing the face piece to face seal, and cleaning. The testing is the responsibility of Training/Risk Coordinator; and

5. Special training such as field training to recognize and cope with emergency situations, which is the responsibility of the Training/Risk Coordinator.

**S. Maintenance and Care of Respirators:**

1. Inspection:

- a. All respirators shall be inspected routinely by the user before and after each use.
- b. A respirator that is not routinely used but is kept ready for emergency use shall be inspected after each use and monthly at minimum.
- c. Self-contained breathing apparatus/gear shall be inspected monthly by the department. Air and oxygen cylinders shall be fully charged according to the manufacturer's instructions. It shall be determined that the regulator and warning devices function properly.

A record shall be kept of inspection dates and findings for respirators maintained for emergency use. The records will be maintained by the Training/Risk Coordinator.

- d. Respirator inspection shall include a check for the tightness of connections and the condition of the face piece, headbands, valves, connecting tube, and canisters. Rubber or elastomer parts shall be inspected for pliability and signs of deterioration. Stretching and manipulating rubber or elastomer parts with a massaging action will keep them pliable and flexible thus preventing them from setting during storage.
- e. Random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned and maintained. These will be scheduled by the Training/Risk Coordinator.

2. Cleaning and Disinfection - The following procedure is recommended for cleaning and disinfecting respirators unless the manufacturing representative recommends another procedure:

- a. Remove any filters, cartridges, or canisters;
- b. Wash face piece and breathing tube in cleaner-disinfectant or detergent solution. (The bactericidal agent is generally quaternary ammonium compound and may be available from the manufacturer of the respirator.) Use a hand brush to facilitate removal of dirt;
- c. Rinse completely in clean, warm water;



- d. Air-dry in a clean area;
  - e. Clean other respirator parts as recommended by the manufacturer;
  - f. Inspect valves, head straps, and other parts; replace with new parts if defective;
  - g. Insert new filters, cartridges, or canisters; make sure seal is tight; and
  - h. Place in plastic bag or container for storage.
3. Repair - Replacement or repairs shall be done only by experienced persons with parts designed for the respirator. No attempt shall be made to replace components or to make adjustment or repairs beyond the manufacturer's recommendations.
4. Storage:
- a. After inspection, cleaning and necessary repair, respirators shall be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals.
  - b. Respirators should be packaged or stored so that the face piece and exhalation valve will rest in a normal position and function will not be impaired by the elastomer setting in an abnormal position.

#### **8.04 Safety and Health Inspections**

*Effective Date: 9-20-2005*

*Revision Date:*

##### **Policy**

Safety and health inspections of all departments shall be conducted annually on a formal basis by the Training/Risk Coordinator. Informal inspections shall be accomplished at a frequency to assure that hazards are kept at a minimum and safe work practices are enforced. Unannounced inspections on safety standards may be made at any time.

##### **Procedure**

###### **A. Formal Inspections:**

1. Safety inspections shall be performed on a schedule that will be convenient to the department head and supervisors concerned.
2. Individuals within the departments shall fully cooperate in the inspection to insure that all areas are covered and all hazards are itemized.
3. The Training/Risk Coordinator shall utilize checklists appropriate for each area being inspected and emphasis shall be placed upon standards promulgated under O.S.H.A.
4. Emphasis shall be placed upon the condition of facilities, equipment and machines as well as the implementation of the overall program such as:
  - a. Good housekeeping;
  - b. Use of prescribed protective equipment;
  - c. Compliance with published division work rules;
  - d. Qualification of drivers and condition of vehicles;
  - e. Condition of ladders;
  - f. Proper maintenance of electrical equipment;
  - g. Proper guarding of open pits, ditches, tanks, etc;
  - h. Proper storage of flammable/combustible liquids;
  - i. Portable firefighting equipment, first-aid kits and emergency lighting;

- j. Condition of power and hand tools;
  - k. Proper guarding of powered equipment and machines;
  - l. Excessive noise levels;
  - m. Excessive dust levels; and
  - n. Administrative compliance with these policies and practices and other pertinent directives.
5. Inspection reports shall be kept in departmental files on all inspections and shall show the following:
- a. Date of inspection;
  - b. Inspector's name;
  - c. Written list of deficiencies;
  - d. Recommendations for correction of deficiencies; and
  - e. Action date for correction of deficiencies.
6. A copy of all formal inspection reports shall be furnished to the following:
- a. City Manager
  - b. Department head
  - c. Safety Committee
7. Facilities and equipment noted to be unsafe for use shall be tagged on the spot by the inspector. Personnel who continue to use any item that has been so tagged or who willfully remove the tag before the unsafe condition is corrected shall be subject to disciplinary action.
8. Deficiencies shall be posted for review by all employees and corrected as quickly as feasible. In the case of imminent danger hazards, satisfactory correction shall be completed before work is resumed in the hazard area. Corrections requiring special monetary funds or those beyond control of the department shall be presented to the City Manager.
9. Supervisors shall inform all employees of any unsafe conditions that cannot be immediately corrected and insure that all necessary precautions are taken to prevent mishaps.

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- B. Informal Inspections** - Informal inspections shall be conducted whenever the need arises. Department heads, supervisors and any employee may request inspections when an unsafe condition or practice is noticed. The Training/Risk Coordinator shall make recommendations for corrective action or consult with the insurance company's safety engineer for guidance. A record of the visit and discrepancies shall be taken to insure that corrective measures are taken.

**C. Insurance Company Inspections:**

1. Purpose and Scope of Inspections:

In order to insure the City's compliance with safety standards, the City's insurance company may independently inspect periodically. Inspections will be made to determine conformance with American National Standards Institute and National Fire Protection Association as they pertain to conditions of building and other facilities, equipment, operational practices and record-keeping procedures.

2. A copy of all inspection reports shall be furnished to the following:

- a. City Manager
- b. Department head
- c. Safety Committee

### **8.05 Safety Committee**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

To effectively involve employees in the application and development of safety rules, regulations and procedures, City departments are encouraged to participate in the Safety Committee. This committee should have representation from a reasonable number of employees, supervisors, and departmental management. While representation on the Safety Committee is encouraged, the manner of selection shall be decided upon by the department head. The Safety Committee is encouraged to meet with reasonable frequency in the course of each year. The deliberations on recommendations of any Safety Committee shall be held in confidence and no evidence; either testimonial or documentary, relating to the deliberations of any Safety Committee shall be admissible in any grievance proceeding conducted pursuant to Section 12 of this ordinance.

#### **Procedure**

**A. The purpose of the Safety Committee is as follows:**

1. To arouse and maintain the interest of superintendents, supervisors and employees and keep them informed on safety matters;
2. To arouse and maintain the interest of workers and convince them that their cooperation is needed to prevent accidents;
3. To make safety activities an integral part of operating policies, methods and a function of operation;
4. To provide an opportunity for free discussion of accident problems and preventative measures; and
5. To help the department heads evaluate safety suggestions.

**B. The Training/Risk Coordinator - Will serve as a permanent resource person to all Safety Committee members.**

## **8.06 Injury Reporting and Follow-up**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

### **Policy**

- A.** The City of Huntsville will investigate all work-related accidents or incidents that result in or could potentially have resulted in injury or property damage. All accidents and incidents have their own unique characteristics.
- B.** Employees must immediately report to their supervisor any on-the-job injury or illness they sustain or suspect they have sustained, no matter how minor. They must also report any incidents that had the potential for injury to employees or third parties and any instances where property damage occurred.
- C.** Failure to report any injury or incident may be cause for disciplinary action.

### **Procedure**

#### **A. Procedures for Reporting Employee Injuries:**

- 1. Employees must immediately report to their supervisor any on-the-job injury or illness they sustain or suspect they have sustained, no matter how minor.
- 2. Supervisors shall first respond to the immediate medical needs of any injured person(s). This could mean , calling for the Emergency Medical Service, or driving the injured person to the hospital themselves. The incident must be reported to their Superintendent. The supervisor shall immediately notify the Training/ Risk Coordinator in the event medical attention is needed. The Superintendent must inform the injured employee that he/she must choose a Treating Doctor from the Alliance list of doctors. If an injured worker chooses to treat with a non-Alliance doctor, he/she assumes risk of payment for the medical treatment and potential loss of income benefits. The Training/Risk Coordinator will coordinate and assist the injured worker in making a appointment for the employee.
- 3. The Superintendent must ensure that the injured employee fills out the Injury Investigation Report. The immediate supervisor must sign the Injury Investigation Report along with the employee involved. This form is to be turned into the Superintendent immediately and then to the Training/Risk Coordinator within twenty-four (24) hours of the injury. It is the responsibility of the Superintendent to notify their department head of any injury.
- 4. The Superintendent must ensure that the injured employee fills out the Accident/Incident Investigation Report - Employee's Statement and that the

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immediate supervisor fills out the Accident/Incident Investigation Report - Supervisor/Department Head's Statement. Both of these forms are to be turned in to the Superintendent immediately and then to the Training/Risk Coordinator within twenty-four (24) hours of the injury. It is the responsibility of the Superintendent to notify their department head of any injury.

5. If an employee does not seek medical attention at the time of the injury and the pain worsens during the evening hours, the employee must call their supervisor or the Training/Risk Coordinator before going to the emergency room or soon thereafter. The visit must be verified as a Workers' Compensation claim.
6. The Training/Risk Coordinator will set up the initial non-emergency medical visit. Immediate notification to the Training/Risk Coordinator is required for any emergency room visit.
7. The Training/Risk Coordinator will serve as the injured employee case manager. The injured employee is required to report to the Training/Risk Coordinator with original paperwork after each doctors appointment.
8. The supervisor/department head shall arrange a light duty assignment for the injured employee either in their department or in another after discussing such with the Training/Risk Coordinator. The light duty assignment would be under the advisement of the physician as described in the Texas Workers' Compensation Commission - Form 73. (This form is filled out by the physician and a copy is provided to the Training/Risk Coordinator.)

**B. Procedures for Reporting Damaged Property:**

1. Employees must immediately report any damage to City property, as well as damage to private citizen's property, to their supervisor.
2. After reporting the incident that caused the property damage to the Superintendent; the supervisor must fill out the Property Damage Investigation Report - Supervisor/Department Head's Statement. This form is to be turned in to the Training/Risk Coordinator within twenty-four (24) hours of the incident.

**C. Procedures for Reporting Vehicle Accidents:**

1. In the event of a vehicle accident, the local police department must be called to investigate the incident. If the accident is in Walker County, the Risk Manager must be called in addition to the Police Department.
2. Collision Reporting Requirements - Any collision involving a City-owned, rented or leased vehicle or privately-owned vehicle used in service to the City shall be reported as follows:
  1. Summon medical care for any injured parties;
  2. Notify appropriate law enforcement authorities;
  3. Notify employee's immediate supervisor; where as
  4. The supervisor shall immediately notify the Risk Manager.

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The supervisor shall be responsible for initiating the departmental investigation of the collision, completing all required City reports and recommending any follow-up preventative actions. Reports shall be received by the Training/Risk Coordinator within forty-eight (48) hours of the collision.

3. If an injury to the employee occurs as a result of the vehicle accident, refer to this Section under A, Procedures for Reporting Employee Injuries.



### **8.07 Workplace Violence Prevention**

*Effective Date: 9-20-2005*

*Revision Date:*

The City of Huntsville is committed to providing a safe environment for working and conducting business. The City of Huntsville will not tolerate acts of violence committed by or against City employees or members of the public while on City property or while performing City business at their locations.

Violent actions on City property, in City facilities or while on City business will not be tolerated or ignored. Any violent actions committed by employees or members of the public while on City property or while using City facilities will be subject to prompt disciplinary action up to and including termination of employment and/or may be subject to criminal prosecution.

#### **Policy**

It is the objective of this policy to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution as well as mitigating the negative consequences for employees who experience or encounter violence in their work lives.

Violent behavior can include, but is not limited to, conduct that threatens, intimidates, or coerces another employee, customer or a member of the public at any time including off-duty periods. This prohibition includes all acts of harassment, including harassment that is based on an individual race, sex, age or any characteristic protected by Federal, State or local law.

#### **Responsibilities**

All employees are responsible for refraining from acts of violence and seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. Employees are to report to managers and supervisors any dangerous or threatening situations that occur in the workplace.

Supervisors are responsible for front line assessment of situations as well as making judgments on the appropriate response and responding to the reports of or knowledge of violence and for initiating the investigation process.

#### **Procedures**

If a violent act occurs and constitutes an emergency, immediately call 911. In those instances that are not emergency situations, contact your immediate supervisor. When 911 is contacted, also contact your immediate supervisor.

If at all possible, ensure that the parties involved in a violent altercation, are separated. However,

never attempt to physically restrain or physically remove a threatening or violent person yourself.

Human Resources is responsible for responding to incidents of workplace violence, and in the event of a violent act, Human Resources coordinates all responses to the incident. Incidents that involve criminal situations require Human Resources to work in cooperation with the City of Huntsville Police Department. Human Resources is responsible for evaluating an incident and making recommendations regarding the need to conduct an investigation.

The City of Huntsville encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or Human Resources before the situation escalates into potential violence. The City of Huntsville is willing to assist in the resolution of employee disputes and will not discipline voluntary requests for assistance in raising such concerns.

**Section IX**

**Use of City Equipment**

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## **9.01 Vehicle Operation Policy**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-07*

### **Policy**

The operation of vehicles is indispensable in conducting City business, and how each vehicle is handled directly affects the production of each respective City department. Vehicular collisions are potentially the most costly losses that can occur when the summation of property damage, bodily injury, fatalities, and liability suits is considered. Such costs can adversely affect every department in efforts to accomplish its mission and maintain good public relations.

### **Responsibilities/Procedure**

**A. Department heads** - Having a need for the use of City vehicles shall:

1. Establish firm internal requirements for personnel to fully adhere to the policies established herein and frequently evaluate their compliance.
2. Establish firm disciplinary action policies that will be taken against employees and their supervisors who show a disregard for good driving practices, and insure it is applied consistently.
3. Insist that all assigned vehicles are maintained adequately for safe operations.
4. Establish periodic inspections of assigned vehicles for malfunctions, signs of abuse, unreported damage and cleanliness. If repairs are necessary, such repairs shall be made as soon as possible.
5. Review each preventable vehicle collision and unsafe driving report with the employee and his/her supervisor to emphasize management's intolerance of irresponsibility behind the wheel.
6. Establish an aggressive campaign to enforce the wearing of seat belts on all trips.

**B. Supervisors** - Having direct authority over employees, shall:

1. Ensure that employees do not drive any City vehicle unless they have valid State of Texas driver's licenses and are familiar with State driving rules and regulations. An employee having driving as a primary duty shall be required to have a valid license of the proper class.
2. Ensure that only authorized personnel be allowed to operate City vehicles, special purpose vehicles and trucks.
  - a. An employee shall not be certified as authorized to operate a special purpose

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vehicle until he/she has satisfactorily demonstrated his/her complete familiarity with its functions. The employee shall thoroughly understand the manufacturer's operating instructions, vehicle limitations and emergency procedures.

- b. These procedures shall be accomplished for each type of special purpose vehicle and truck the operator is required to operate.
  - c. A record of each vehicle checkout shall be dated and recorded on the individual's Vehicle Operator's Record card, together with signature of the certifying instructor. Re-checks shall be of a frequency deemed necessary by the operator's supervisor to ensure maximum proficiency.
- 3. Remain alert in observing unsafe driving practices of City employees and ensure that action is taken immediately to correct the driver.
  - 4. Review all preventable vehicle collisions with employees at Safety Meetings and discuss each unsafe act that was responsible so that something can be gained from the loss.
  - 5. Periodically ride with special purpose vehicle and truck drivers to evaluate compliance with operating instructions and traffic regulations.
  - 6. Ensure that unsafe vehicles are not driven until safety issues have been corrected by the Fleet Division.
  - 7. Ensure that all employees understand that the use of seat belts while driving or riding in a City vehicle is mandatory.

C. **Employees** - Are required to follow defensive driving practices which are established for the protection of employees and the citizens of Huntsville. Each employee driving a City vehicle shall:

- 1. Inspect the vehicle which he/she is about to drive in accordance with established work rules.
  - a. If there is evidence of accident damage, the employee shall report it to his/her supervisor. Otherwise, he/she will be charged for the accident whether or not they were involved.
  - b. If the vehicle is found to be unsafe, the employee shall report it to his/her supervisor and request another vehicle.
  - c. Vehicles having steering or braking defects shall not be driven. They shall be towed to the garage and repaired before being returned to service.

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2. Report to the supervisor, in writing, all defects noted during the trip.
3. Wear seat belts at all times while driving.
4. Call police in the jurisdiction responsible to investigate all collisions involving City vehicles and report details to immediate supervisor as soon as possible. In the instance that a collision occurs on private property, Risk Management should be contacted instead of the Police Department as the Police Department will not investigate on private property.
5. In addition to Section 10-01, On the Job Employee Behavior, employees operating a City vehicle or operating a vehicle in service to the City shall follow those operating rules.
6. Removal of any equipment from a vehicle without written permission of Fleet Services, the department head and the Training/Risk Coordinator is prohibited.
7. Operating a City vehicle while under the influence of alcohol or non-prescription narcotics as identified by State statutes is prohibited.
8. No alcoholic beverage (whether opened or unopened), narcotics, firearm or explosive material may be transported in a City vehicle unless designated as part of the driver's responsibility.
9. City vehicles shall not be parked in front of or in parking areas associated with taverns or liquor stores unless employee is on official City business. (Restaurants serving liquor are not included in this prohibition.)
10. Each driver who operates his/her personal vehicle in service to the City must present his/her supervisor with a valid certification of insurance. The certificates are to be forwarded to the Training/Risk Coordinator.
11. Private vehicles operated in service to the City may only be operated by the owner of said vehicle.
12. Modification of any vehicle or of any equipment in a vehicle without the written permission of Fleet Services, the department head and the Risk Coordinator is prohibited.
13. Employees who operate a City vehicle shall restrict use of the vehicle to official City business. Personal use other than authorized commuting as defined by the Internal Revenue Service is prohibited.
14. Employees that require operation of a City vehicle shall not be eligible for driving/operating privileges if the total points assigned to their driving record is 10 or more over a 3 year (36 month) period.

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<b><u>Offences/Violations</u></b>	<b><u>Points</u></b>
• Conviction of an alcohol or substance abuse related driving offense	10
• Conviction of Failure to Stop and Give Information	10
• Conviction of Failure to Stop and Render Aid	10
• Conviction of any serious violation-e.g. reckless driving, endangering lives of others, racing	10
• License Suspension/Revocation	10
• Refusal to submit to a Blood Alcohol Content (BAC) test	10
• Driving without a Valid Drivers License	7
• Conviction for failure to report accidents	5
• Speeding	3
• Any chargeable bodily injury or property damage accident	3
• Conviction of a moving violation	1
• Failure to pay for violation or ticket for no valid insurance	1

All Points will remain on the driver's record for a period of thirty-six (36) months before they are removed. Infractions that have been removed from the driver's current record shall, however, still be considered when driver record reviews are performed.

### **Disciplinary Actions for Driving Infractions:**

Allowable Points	Time Period (Months)	City Action
2-3 points	1 to 12	Verbal Warning
<ul style="list-style-type: none"><li>• Discussion between Manager and employee</li><li>• Discuss employee's record with employee</li><li>• Discuss desired improvement</li></ul>		
4-6 points	1 to 12	Written Warning
<ul style="list-style-type: none"><li>• Discussion between Manager and employee</li><li>• Discuss employee's record with employee</li><li>• Discuss desired improvement</li></ul>		
7-9 points	1 to 24	Written Warning or Suspension
<ul style="list-style-type: none"><li>• Discussion between Manager and employee</li><li>• Discuss employee's record with employee</li><li>• Discuss desired improvement</li></ul>		
10 or more points	1 to 36	Suspension or Termination

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- Discussion between Manager and employee
- Discuss employee's record with employee
- An employee identified as being in or reaching this threshold may be subject to termination.

**D. Risk Management shall:**

1. Maintain and administer an aggressive program for City employees that seeks to reduce vehicular collisions and liability claims against the City.
2. Periodically check drivers' qualifications and validity of license.
3. Maintain complete records on City collisions, property damage, and liability claims, and provide the City Manager with appropriate reports on program progress.

**E. Take-Home Policy -** Decisions regarding assignment of City vehicles to employees allowed to be driven to and from work shall be made by the City Manager. Examples of situations warranting a City vehicle to be taken home include the following:

1. Managerial employees whose personal use of a City-owned vehicle is consistent with the requirements of the position.
2. Employees who are subject to 24-hour call out or have job responsibilities requiring highly irregular work hours.
3. Duty vehicles designed or equipped for urgent response where response time will be enhanced by allowing the vehicle to remain in custody of individual employees. Employees assigned to duty vehicles which are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.

Take home vehicles must not leave the City limits of Huntsville unless the department has received approval from the City Manager. City vehicles taken home over night shall be locked and secured in the responsible employee's driveway or other designated parking space which is in close proximity to the employee's residence.

**F. Collision Reporting Requirements -** Any collision involving a City-owned, rented or leased vehicle or privately-owned vehicle used in service to the City shall be reported as follows:

1. Summon medical care for any injured parties;
2. Notify appropriate law enforcement authorities;
3. Notify employee's immediate supervisor; where as
4. The supervisor shall immediately notify the Training/Risk Coordinator.



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The supervisor shall be responsible for initiating the departmental investigation of the collision, completing all required City reports and recommending any follow-up preventative actions. Reports shall be received by the Training/Risk Coordinator within forty-eight (48) hours of the collision.

- G. Personally Owned Vehicles Used in Service to the City** - The City's self-insurance program provides for excess liability coverage but does not cover physical damage to an employees' personal vehicle. For excess liability coverage to apply, the collision must be determined by the Training/Risk Coordinator to have occurred during the course and scope of the employee's work duties.

An employee's personal automobile insurance policy is primary to any City coverage. Employees who use personally-owned vehicles for City business should confirm that their personal automobile insurance policy provides coverage for this use.

**9.02 Driver Selection**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

**Driver Selection** - Selection of employees required to have driving responsibilities shall be done with care. The lives of people and the professionalism of City employees are under public scrutiny every time a City vehicle is operated, and it is of paramount importance that only employees who have an appropriate attitude toward their driving responsibilities be assigned to driving tasks.

Drivers of City vehicles shall be considered qualified when capable of meeting the following criteria:

1. Possess a valid Texas driver's license of the proper class.
2. Capable of passing eye tests given by the City which determine visual acuity (near and far), vertical and lateral balance, fusion, depth perception, field of vision and color recognition.
3. Capable of passing a City physical examination when a question of fitness to drive arises because of prolonged or serious illness.
4. Capable of passing written tests on driving regulations whenever required.
5. Capable of successfully passing a driving check ride administered by his/her supervisor periodically.
6. Capable of demonstrating familiarity with the type of vehicles assigned.

**9.03 Vehicle Collision Review by Board of Inquiry**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

**A. Purpose of the Vehicle Collision Review Board of Inquiry:**

1. To render decisions regarding the preventability of collisions involving City vehicles or vehicles in service to the City.
2. To review traffic violation convictions while operating a City vehicle or vehicles in service to the City.
3. To recommend disciplinary action when appropriate.

**B. Composition of Vehicle Collision Review Board Inquiry:**

1. The Review Board will be comprised of the following:
  - a. City Police Officer assigned by the Chief of Police.
  - b. Human Resources Representative (permanent Chairperson).
  - c. Department head of the department or his/her designee whose collision is being reviewed.
  - d. Two (2) members of the driver's department. The method of selection is to be determined by the department head.
2. Accident under review - In some cases, the Review Board may require the individual(s) involved to appear personally before the Board when their case is being reviewed.
3. Manager under review - The Training/Risk Coordinator will act as advisor (ex-officio) to the Review Board and will be responsible for all fact gathering that may be required.

**Procedure**

- A. Departments Responsible for Fleet Operations** - Each department responsible for fleet operations shall utilize the service of a Board of Inquiry to review vehicle collisions. All collisions resulting in damage to one vehicle in excess of \$100.00 shall be reviewed by the Board. The functions of the Board in reviewing vehicle collisions are as follows:

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1. Convene as soon as possible after any collision involving a City vehicle to objectively consider evidence presented by the driver concerned, his/her supervisor, and the police report of accident investigation. This also applies to employees authorized to drive their personal cars on official City business.
2. If a defect or malfunction of any vehicle component is claimed, it is incumbent upon the Board to determine validity by reviewing maintenance records or obtaining information from the mechanic involved in the post-crash repair or examination. If laboratory analysis of component failure is deemed essential, the Board shall order the analysis and withhold judgement until the lab report is received.
3. Determine the true cause of the collision and whether it was PREVENTABLE or NON-PREVENTABLE. A preventable collision is one in which the driver failed to do all that could be reasonably expected of him/her to avoid the collision.
4. Review the driver's history.
5. Report in writing to the department head what the Board finds and recommends for corrective action. Board findings shall be entered in the employee's personnel file.
6. If, in the judgment of the department head, the Board failed to fulfill its responsibility, he/she should require that it reconvene and re-evaluate the case. Board findings and recommendations provide guidance for management decisions on loss control policies, and the importance of a thorough, objective examination of each collision cannot be overemphasized.

**B. Disciplinary Action** - When violations of policies which are directly associated with saving lives, preventing crippling injuries or eliminating expensive lawsuits occur, corrective action shall be immediate. Disciplinary action shall be taken when any employee causes injury to themselves or others or destroys or damages equipment by willful violation of work rules, by disregarding traffic regulations or by demonstration of an attitude of indifference or defiance. Department heads shall have latitude in determining the extent of disciplinary action to be taken within their departments; however, a continuation of this policy will be completely dependent upon the adequacy of actions taken.

Disciplinary action resulting from safety violations shall be monitored closely by Human Resources and in cases where little or no action is taken, those department heads responsible shall be required to justify their lack of action upon receipt of a query from the Personnel Committee of the City Council and/or the City Manager.

C. **Vehicle Operator's Records** – The Training/Risk Coordinator along with fleet operations shall maintain a record on each vehicle operator to show a complete picture of his/her capability. Information shall include:

1. Date started;
2. Date of driver's permit and subsequent dates of renewal;
3. Date of physical examinations;
4. Physical limitations; and
5. Accident history showing date, type of accident, whether it was preventable, and a list of traffic violations.

These records shall be an item of interest in annual formal inspections.

#### **9.04 Drug and Alcohol Testing**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

##### **Policy**

The City of Huntsville recognizes that drug and alcohol abuse ranks as one of the major health problems in the world and affects an employee's performance and safety on the job. It is therefore necessary and required by law that the City provide a drug-free working environment for its employees.

It is the City of Huntsville's intention to comply fully with the Department of Transportation's (DOT) regulations governing drug and alcohol use and testing, by incorporating them in this policy. In the event that federal and state regulations are amended, this policy and its applicable terms, conditions and/or requirements shall be deemed amended automatically in order to reflect and be consistent with said regulations.

##### **A. Definitions and Terms Applicable to This Policy:**

1. Safety - sensitive function, for the purpose of this Policy, means any of the following:
  - a. Driving or operating any City owned motor driven equipment on a full time, part time or temporary basis;
  - b. Inspecting, servicing, repairing, or conditioning motor equipment;
  - c. Loading or unloading, giving or receiving shipments being loaded or unloaded.
2. DOT driver - Any current or prospective employee who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce; driver of a motor vehicle used to transport hazardous material(s) in quantities which require the vehicle to be placarded, regardless of the vehicle's size.
3. Safety-sensitive worker - Any current and/or prospective employee who falls into the category of:
  - a. Performers of safety-sensitive functions as described in this Section under item 1, Safety – sensitive function;
  - b. Operators of personal vehicles which are used for city business (including, but not limited to, employees receiving car allowances from the City of Huntsville or receiving mileage reimbursement from the City of Huntsville);

- c. Public safety personnel (Police, Fire, etc.); and/or
- d. Public safety communications personnel.
- 4. City business - Includes, but is not limited to, work performed on or in City property including a City vehicle, and work performed on or in a non-City vehicle being used for City business.
- 5. Refusing to be tested means:
  - a. Failing to provide an adequate urine specimen for a drug test without a valid medical explanation;
  - b. Failing to provide adequate breath for an alcohol test without a valid medical explanation; and/or
  - c. Failing to submit to a test as directed, or engaging in conduct which clearly obstructs the testing process.

Examples of obstructing the testing process include:

- (1) Leaving the scene of an accident without a valid medical or safety reason;
  - (2) Not presenting for a test at the time directed without a valid excuse;
  - (3) Tampering with a urine specimen;
  - (4) Tampering with an alcohol testing device;
  - (5) Failing to provide required identification; and/or
  - (6) Failing to cooperate with federal, state or local law enforcement officer at the scene.
- 6. Positive alcohol breath test - Alcohol concentration level registers 0.02 or greater.

**B. Prohibited Drug and Alcohol Use and Activities:**

- 1. The City of Huntsville prohibits its employees from:
  - a. Using, being under the influence of, or possessing illegal drugs;
  - b. Using or being under the influence of legal drugs that are being used illegally;

- c. Using or being under the influence of legal drugs which use can affect the ability of the driver to perform his or her job safely; and/or from
  - d. Selling, buying, soliciting to buy or sell, transporting, or possessing illegal/legal drugs in an illegal manner, while on City time or property (Except for approved law enforcement activities).
2. Employees are prohibited from:
- a. Using alcohol intoxicants within four (4) hours of reporting for work;
  - b. Being under the influence of alcohol at any time while at work;
  - c. Possessing any amount of alcohol intoxicants on City property or in City vehicles (Except for approved law enforcement activities);
  - d. Testing positive for alcohol;
  - e. Refusing to be tested for drugs and alcohol as defined in this Section under A-5, of this policy; and/or from
  - f. Violating any applicable federal and/or state requirement governing the use of drugs or alcohol.

**C. Required Tests:**

1. Pre-Employment/Transfer Testing - Once a job offer has been made, the applicant will be required to submit to a drug and alcohol test as part of his/her post-job offer physical. This is to be completed before the applicant is allowed to report for work. This also applies to an employee who transfers from a non-covered position into a position which is covered by this policy on or after May 17, 2005.

Prior to taking a pre-employment drug and alcohol test, the applicant will be given forms notifying him or her of the collection procedures for each test. The applicant will also be asked to execute a general consent and release form to be tested for drugs and alcohol.

All employment offers made by the City of Huntsville or to transfer a current employee are conditioned upon the applicant:

- a. Completing all of the “consent to be tested” forms;
- b. Taking and passing the drug and alcohol test as described by this policy; and



- c. Signing the authorization form for the City of Huntsville to obtain all of the applicant's past drug and alcohol test results, including any refusals to test, from each of his or her previous employers for the previous two years.

Any applicant who refuses or fails to comply with this policy will not be considered qualified for the position for which they have applied and will also be subject to disciplinary action, up to and including termination.

- 2. Post-Collision Drug and Alcohol Testing - Any employee who is involved in a collision while operating a City vehicle or a personal vehicle for city business must submit to a post-collision drug and alcohol test when:

- a. It involves the death of a human being; or
- b. The employee receives a citation for a moving violation (or the employee's actions are cited in the official Peace Officer's Report as a contributing factor) and either a person requires immediate medical attention away from the scene or one or more of the vehicles must be towed away from the scene because of disabling damage. The drug and alcohol test is to be conducted within two (2) hours post-collision, or eight (8) hours in unusual circumstances.

An employee who is required to take a post-collision drug and alcohol test will, at the City's discretion, either be assigned to a non safety-sensitive or safety-related function, or placed on leave with pay, while awaiting the results of the tests.

An employee who refuses or fails to submit to a post-collision drug and alcohol test, which tests positive for drugs and/or alcohol, who unnecessarily delays reporting to the test site following an accident, or who fails to comply with the City's post-collision testing procedures will be subject to disciplinary action, up to and including termination.

- 3. Reasonable Suspicion Testing - An employee will be required to submit to a drug and/or alcohol test when the City has reasonable suspicion that an employee has used drugs and/or alcohol in violation of these policies.

Reasonable suspicion shall be based on specific, objective facts and reasonable inferences drawn from those facts.

Reasonable suspicion shall exist when an employee's behavior, appearance, speech and/or body odors indicate drug and/or alcohol use. If the test is requested for compliance with D.O.T. regulations (in addition to compliance with this policy), then such observations must be personally made and documented by City of Huntsville supervisory personnel who have received training involving the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

When an employee is notified that there is reasonable suspicion to be tested, the employee shall also be informed that he or she may:

- a. Comply with the requirement;
- b. Appeal the requirement to another supervisor (starting at the department head level); or
- c. Refuse the requirement and be subject to disciplinary action, up to and including termination.

If the effected employee requests an appeal, a hearing will be conducted immediately (within two (2) hours, if possible) with the supervisor requesting the reasonable suspicion test, the Administrative Services Director or his/her designee, and the employee present.

The Administrative Services Director or his/her designee shall determine whether there is reasonable suspicion that the charges against the employee are true and whether the charges support the employee's proposed testing. The Administrative Services Director or his/her designee shall have the authority to order the employee to submit to testing for the presence of alcohol and/or illegal drugs or order that the allegations against the employee be dismissed.

Employees who are required to submit to a reasonable suspicion test will be escorted by supervisory personnel to the testing site.

Once the reasonable suspicion test has been completed, the employee will be transported home or given an opportunity to contact someone else to take him/her home.

An employee who is required to take a reasonable suspicion test will be considered unqualified to work and placed on leave with pay pending the results of the test.

Any employee who tests positive in a reasonable suspicion drug and alcohol test, who refuses or fails to submit to a reasonable suspicion test, will be subject to disciplinary action up to and including termination.

4. Random Testing – DOT drivers and safety-sensitive workers are subject to random drug and alcohol testing.

The City of Huntsville will conduct drug and alcohol testing on a random basis at the beginning, during or end of a regularly scheduled work shift. The testing dates and times will be unannounced and with unpredictable frequency throughout the year. The number of random tests conducted will, at a minimum, equal the amount required by federal and/or state regulations.

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Every employee will have an equal probability of being selected every time the selection is conducted. Appropriate safeguards will be present to ensure that the identity of individuals cannot be determined prior to, or at the time of their selection. Whenever an employee is randomly selected to be tested, he or she will be notified of this, just prior to the test and instructed to report to the collection site immediately. Any employee who tests positive or who refuses to submit to a test is subject to disciplinary action up to and including termination.

5. Return to Duty Testing - Should the City of Huntsville elect to consider reinstating or rehiring an employee who violates this policy, he or she will be required to submit to and pass a drug and alcohol test before he or she will be permitted to return to duty. For a return to duty alcohol test, the alcohol level must be less than .02.

Before being permitted to return to work, the employee must execute a “last chance” agreement and submit to at least six unannounced follow-up tests during the next 12 months.

Any employee who refuses to comply with the return-to-duty requirements, or who tests positive will be considered unqualified to perform his or her job and subject to disciplinary action up to and including termination.

6. Follow up Testing - An employee who is returned to duty after a positive drug or alcohol test is required to submit to unannounced follow-up testing as one condition of continued employment.

At a minimum, the employee will be required to submit to at least six tests during the first twelve (12) months following the employees’ return to duty. The date and time of such tests will be at the discretion of the Division and/or department head and conducted at random, without prior notice being given to the employee.

An employee who tests positive or who refuses to submit to a test, will be considered unqualified to perform his or her job and subject to disciplinary action up to and including termination.

#### **D. Testing Methodology and Integrity:**

1. To insure the integrity of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with DOT procedural protocols and safeguards. This includes, but is not limited to:
  - a. Procedures to insure the correct identity of each employee at the time of testing;

- b. Strict chain of custody procedure to ensure that the specimen is not tampered with by the collection agency;
  - c. The use of a trained breath alcohol technician (BAT) and DOT approved testing devices for conducting alcohol tests;
  - d. The use of a laboratory which has been certified by the National Institute for Drug Abuse (NIDA);
  - e. The confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS)
  - f. The confirmation of an initial positive alcohol screen by a second analysis; and
  - g. The City's appointment of a qualified Medical Review Officer (MRO) to review positive drug test results before they are reported to the City of Huntsville's designated representative.
2. The City of Huntsville will provide employees with written and/or oral instructions regarding the conduct of the specific test before each testing event.

**E. Drug Testing Procedures:**

- 1. Drug testing will require that the employee provide a specimen of his or her urine.
- 2. At a minimum, urine specimens will be analyzed for the presence of the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
- 3. All drug tests will be administered using the split sample methodology required by DOT. Under this methodology, the employee must provide at least forty-five (45) milliliters (ml) in a specimen container. The specimen will then be divided into two specimens. The container containing thirty (30) ml will be analyzed as the employee's primary specimen. The second container will be held by the laboratory and sent to another lab at the employees request in the event that the primary specimen is verified positive. In the event the primary specimen is verified positive, the employee will be notified by the City's MRO or by the City's designated representative of the positive test and given the option to have the second container sent to a different laboratory for analysis. To exercise this option, the employee must advise the City's MRO or designated representative within seventy-two (72) hours of being informed of the primary positive result. The employee will be responsible for the cost of having the second sample analyzed.
- 4. Except for the use of methadone and medications containing alcohol, nothing in this policy prohibits the employee's use of a medication legally prescribed by a licensed

physician who is familiar with the employee's medical history and specific job duties and who has advised the employee that the prescribed medications will not affect the employee's ability to perform his job safely. Medications prescribed for someone other than the employee, however, will not be considered lawfully used when taken by the employee under any circumstances.

5. Before being tested for drugs and/or alcohol, an employee will be given an opportunity to list, on his or her copy of the chain of custody form, any prescriptions and non-prescription medications he or she is taking at the time of the test. A "positive" drug test may be declared "negative" by the MRO, if the employee can prove with clear and convincing evidence that the drug was prescribed by a licensed physician within the last two (2) years, who is familiar with the employee's medical history and specific job duties. This determination will be made by the MRO.
6. In the event that an employee's primary specimen tests positive, the employee will be notified by the city or the MRO and advised that he or she has seventy-two (72) hours to request that the MRO send the secondary specimen to a second, NIDA approved laboratory for analysis. The employee will be responsible for the cost of the second test.
7. Before an employee's test result will be confirmed positive for drugs, the employee will be given the opportunity to speak with the City's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the City as a "negative". If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the City as a "confirmed positive".

**F. Alcohol Testing Procedures:**

1. Alcohol testing under this Policy requires that an employee must provide a breath specimen for any test conducted by or for the City of Huntsville.
2. In addition to this policy, an employee could be subject to alcohol testing conducted by a federal, state or local law enforcement officer following an accident. The employee must provide either a breath or blood specimen, as directed by the law enforcement officer.
3. Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT).
4. Before being tested by the City, each employee will be required to present his or her personal identification, and execute a DOT "Breath Alcohol Test Form" provided by the BAT. An employee who refuses to provide proper identification, provides false identification, refuses to execute the forms or who otherwise

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refuses or fails to cooperate will be treated as though he or she had tested positive and will be subject to disciplinary action, up to and including termination.

5. Prior to each alcohol breath test, the BAT will instruct the employee how the test will be performed.
6. To protect each employee, the BAT will open and attach to the testing device an individually sealed mouthpiece in the employee's view. The employee will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.
7. In the event that the employee is unable to provide an adequate amount of breath for the initial or confirmatory test, the employee will be required to submit to an evaluation by a licensed physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be considered a "negative". If the physician determines that a valid medical condition does not exist, the test result will be considered a "confirmed positive".
8. In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than .02, the test results will be reported as "negative" and no additional testing will be required at that time.
9. In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration of .02 or greater, a second confirmatory test will be performed. If the confirmatory breath test registers less than .02, the test results will be reported as a "negative". The confirmation breath test will be administered no sooner than fifteen (15) minutes from the initial breath test and no longer than twenty (20) minutes from the initial breath test. During the wait period for the confirmation test, the employee is not allowed to put anything into his mouth and should be discouraged from belching or burping.

**G. Test Results - Disciplinary Action:**

1. An employee who violates these prohibitions will be subject to restrictions mandated by the DOT as described in part C-6 of this Section and subject to disciplinary action, up to and including termination.
2. Any employee whose test result is confirmed positive for drugs will be considered unqualified to perform or continue to perform his or her functions safely and subject to disciplinary action up to and including termination. The employee may also be subject to civil and criminal penalties imposed by DOT.
3. An employee whose confirmatory test registers .02 or more but less than .04 will be removed from service and placed on leave for a minimum of twenty-four (24) hours. The employee will be subject to return-to-duty testing and follow-up testing and may be subject to disciplinary action up to and including termination.
4. An employee whose confirmatory test registers .04 or greater will be removed

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from service and placed on leave for a minimum of twenty-four (24) hours and referred to a Substance Abuse Professional (SAP). The employee may be subject to disciplinary action up to and including termination.

5. Before consideration can be given to returning an employee to duty who has had a BAC (breath alcohol concentration) of .04 or greater, the employee must complete the rehabilitation program as prescribed by the SAP and be subject to return-to-duty and follow-up testing.

**H. Confidentiality:**

The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.

All individual test results will be considered confidential. Individual employee's results will only be released with that employee's written authorization, as is otherwise required by DOT regulations, or by other applicable federal or state law.

## **9.05 Electronic Communications Policy**

*Effective Date: 9-20-2005*

*Revised Date: 12-11-2007*

### **Purpose**

The purpose of this policy is to provide users with an understanding of the acceptable conduct that shall be followed when using technology provided by the City of Huntsville.

### **References**

- Texas Public Information Act
- City of Huntsville Record Retention Policy
- Approved City of Huntsville software list

### **Definitions**

1. **IT** - Any employee of the City of Huntsville's Information Technology Division.
2. **IT resources** - Refers to all computers and other electronic devices (such as laptops, printers, Blackberry handhelds, cellular telephones, digital cameras, and personal digital assistants) that are attached to and using City of Huntsville resources, including its networks, and the applications they support; such as software, electronic mail, and access to the Internet.
3. **User** - Any individual who has been issued a domain user name and password which may include, but not be limited to, a City of Huntsville employee, Mayor and City Council Member, Board and Commission Member, vendor, and volunteer.
4. **Non-user** - Any individual who is not classified in section 9.05, Definition 3 – User. Non-user; for example: friends and/or family members of a user.
5. **Electronic Mail (E-mail)** - Refers to all electronic mail that is sent, received, downloaded, or stored when using the City of Huntsville E-mail System. Accesses to personal Internet e-mail systems, such as accounts with Yahoo, Hotmail, etc., are subject to provisions stated in Section 9.05 B,– Internet Usage.
6. **Virtual Private Network (VPN)** - A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide authorized users access to IT resources from remote locations.

### **Policies**

- A. **Electronic Mail (E-mail)**  
Use of e-mail communication is permitted for city business-related purposes only. Users must remember that e-mail messages are not a form of private communication. All messages that are created, received, and/or stored using IT resources are considered the property of the City of Huntsville and are subject to



### ***Employee Policies and Procedures, Section 9***

the Texas Public Information Act (formerly the Texas Open Records Act) and the City of Huntsville Record Retention Policy.

Users should refrain from using e-mail communication to send jokes, racial, political views, personal opinions, chain letters, or sexually-oriented material. Messages must not include any offensive, abusive, harassing, threatening, or obscene material. Users should refrain from using email communication to operate personal businesses, for commercial promotional purposes, including but not limited to personal messages offering to buy or sell goods or services. Users should refrain from subscribing to non-city business-related mass communication subscriptions, mailing list servers, discussion threads, and newsgroups.

Each user's mailbox has a storage capacity of two gigabytes. When a mailbox reaches this storage capacity a message will be sent to the user instructing them to begin cleaning their mailbox and/or to contact IT for assistance with message archiving procedures. All deleted email messages are stored online for a period of thirty days, all deleted messages older than thirty days are automatically purged from online storage. Emails pertaining to the Texas Public Information Act (formerly the Texas Open Records Act) and the City of Huntsville Record Retention Policy are excluded.

#### **B. Internet Usage**

The City of Huntsville strictly prohibits the use of the Internet for reasons other than city business-related purposes. Purposely accessing Web sites that promote adult content, nudity, violence, racism, religion, drugs, games, online auctions, gambling, or personal shopping are strictly prohibited. Incidental and occasional use of the Internet for non-work purposes is permitted during lunch breaks.

Streaming audio or video from the Internet for non-city business-related activities is prohibited. This activity includes, but is not limited to, listening to online radio stations and watching music videos and movie clips. Unwarranted Internet usage can cause the city's network system to become congested resulting in interruption of Internet access to users who are trying to complete online city business-related work.

The terms and conditions of this policy shall also apply to user's accessing the Internet via any electronic device owned by the City of Huntsville.

Before making purchases on the Internet, employees who are authorized to use City of Huntsville credit cards must ensure that they are using a secured site. Secured sites will contain **https** in the uniform resource locator (URL) to signify that it is secure.

The use of the Internet is a privilege, not a right, which may be revoked by the user's department head at any time for unacceptable use.

#### **C. Employee Owned Equipment**

The City of Huntsville prohibits the use of employee-owned equipment being attached to IT resources, unless explicitly approved in writing by the IT Manager.

## ***Employee Policies and Procedures, Section 9***

Examples of employee-owned equipment include, but are not limited to, the following:

Wireless access devices, Personal digital assistants (PDA), Blackberry handhelds, laptops, desktops, digital cameras, USB drives, cellular telephones, and/or MP3 players.

### **D. Non-user**

Non-users, as defined in Section 9.05, definition 3. – Non-users, are strictly prohibited from using any device classified as IT resources.

### **E. File Storage**

Users should refrain from storing personal files, such as documents, photographs, graphics, etc., on any device classified as IT resources.

IT performs nightly tape backups of all network system files and documents; therefore, all city business-related documents must be stored on network drives. Files and documents stored on a user's desktop or local drive are not accessible from the city's network system and cannot be backed up or restored.

### **E. Remote Access (VPN)**

The policies and procedures contained herein apply to authorized users of the City of Huntsville's Virtual Private Network (VPN) Service. All other policies covering the use of IT resources by authorized users are still in effect when resources are accessed from remote locations as well as all regulations governing the protection of confidentiality and integrity of City information, such as the Texas Public Information Act and the City of Huntsville Record Retention Policy. Any remote linkage through the VPN service is considered an extension of the city's network systems, and is subject to all security and appropriate use policies.

#### **1. Remote Access for Users (VPN)**

Users that require access to the city's network system from a remote location will be provided a unique VPN user name and password. All requests for remote access must be submitted to the IT Manager for approval and only users issued City of Huntsville laptops may apply. While accessing the city's network systems from a remote location all terms and conditions contained within this policy shall apply.

#### **2. Remote Access for Vendors (VPN)**

IT recognizes the need to provide secure remote access to its network systems to authorized vendors, and their associated business partners, with which specific contractual relationships have been established. Normally, such vendors need access only to a specific city network system(s) as required by the contractual relationship. IT prefers vendors to use the latest Cisco VPN client software to establish remote connectivity.

### ***Employee Policies and Procedures, Section 9***

Vendors must submit a completed VPN Authorization Form to the IT Manager explaining the intended purpose for remote access, approximate usage and duration, as well as full names of all vendor employees that will be accessing the city's network systems. At no time should any vendor employee provide their VPN user name and/or password to anyone, not even family members. Vendors must notify the IT Manager immediately upon termination of an employee who has been provided VPN privileges.

#### **G. Desktop Remote Access**

IT utilizes a variety of desktop sharing applications that provide remote access to a user's computer when assisting with reported issues. IT will attempt to contact the user before establishing a remote connection. If the user is unavailable, IT reserves the right to establish a remote connection to the user's computer in an attempt to resolve reported issues.

#### **H. Password Policy and Standards**

All user passwords must be constructed, implemented, and maintained according to the City of Huntsville policies, standards, and/or procedures governing password management. The City of Huntsville enforces the following password policy through Microsoft's Active Directory (AD) services at either the Domain or Organizational Unit (OU) level to ensure compliancy. All users are forced to login to a Microsoft domain to access network resources.

##### **1. Password Policy**

- Do not share City of Huntsville passwords with anyone; including family members, elected officials, charter officers, co-workers, administrative assistants supervisors and directors.
- Do not reveal a password over the phone, in an e-mail, in a chat session, or in person to anyone regardless of who they are.
- Do not write down and store passwords anywhere.
- Do not store passwords in an unencrypted state on any IT resource (including PCs, Palm Pilots or similar handheld devices).
- Do not talk or hint about the format of your password in front of others.
- Do not allow unauthorized individuals to have access to City's resources, or otherwise permit any use which would jeopardize the security of the City's electronic communication systems.

##### **2. Password Standards**

- Passwords shall be a minimum length of eight (8) characters on systems.
- Passwords shall not be a dictionary word or proper name.

## ***Employee Policies and Procedures, Section 9***

- Passwords and the user-id shall not be the same.
- Passwords shall be changed within a maximum of every 60 days.
- All systems shall prevent password reuse of the last three (3) passwords.
- Passwords shall not be transmitted in the clear outside the secure domain.

### **I. Monitoring, Reporting and Filtering Rights**

Internet usage and e-mail communications are monitored daily to ensure compliance with this policy and any applicable local, state, and federal laws or regulations related to the use and security of city information.

#### **1. Monitoring Rights**

IT has the right to monitor all activity conducted while using IT resources. IT may monitor Internet and desktop application usage to diagnose and repair network performance issues and ensure user compliance to this policy.

#### **2. Reporting Rights**

IT has the ability to provide reports on a user's computer activity while using IT resources. IT collects detailed information on all desktop application and Internet usage and has the ability to provide reports on such usage by user name, computer, or department.

All requests for desktop application, email, or Internet usage reports must be submitted to the Human Resources Director for review and approval.

#### **3. Filtering Rights**

IT has the right to filter and/or block access to specific Web sites or categories of Web sites to enforce Internet usage rules, as defined in Section 9.05 B – Internet Usage, in an effort to reduce bandwidth usage and improve the city's overall network system performance.

### **J. Software and hardware purchases, installation, and licensing**

Employees may not purchase and/or install any hardware or software without the approval of IT. Existing hardware and software owned by the City may not be re-located or re-distributed and installed without the consent of IT. Employees should immediately notify the IT Manager if they discover unlicensed software on any IT resource. The installation of trial software for research and testing, authorized by the vendor, is acceptable.

Software not listed on the approved City of Huntsville software list will not be supported.

### **K. Disciplinary Actions**

***Employee Policies and Procedures, Section 9***

Any user who fails to comply or adhere to the City of Huntsville Electronic Communications Policy may be subject to disciplinary action up to and including termination.

**L. Requests for Public Disclosure of Electronic Records**

All requests for release of any data in electronic form, including hard-copy printout, shall be handled in conformance with Federal, State, and City of Huntsville open records laws, policies, and procedures. All requests for release shall be returned to the Office of the City Secretary.

## **9.06 Catastrophic Leave Program**

*Effective Date: 9-20-2005*

*Revision Date: 08-15-2006*

### **Scope**

This directive establishes procedures for the contribution of vacation leave by City employees for the use by catastrophically ill employees through the creation and administration of a Catastrophic Leave Fund.

### **Purpose**

It is the policy of the City of Huntsville to establish a program that allows employees to donate vacation leave to fellow employees who have exhausted all paid leave as a result of a non-job related catastrophic injury or illness to one self or a member of his/her immediate family.

### **Policy**

Establish written administrative policy to ensure proper administration of the Catastrophic Leave Program.

#### **A. Definitions:**

1. Catastrophic Medical Conditions – A “serious health condition” as defined in section 4.06 of these policies. This specifically excludes any intentionally self-inflicted injury or illness, including that related to substance abuse.
2. Financial Necessity - As a direct result of a catastrophic medical condition, an employee has exhausted all paid time (vacation, sick leave, eligibility for short-term disability, etc.).
3. Paid Time - Applies only to an employee’s accrued vacation time that is to be donated to or distributed from the Catastrophic Leave Fund.
4. Permanent Full-Time Employee - When appointed on a work schedule which corresponds to the usual work schedule of the unit to which the employee is assigned. The schedule is at least forty (40) hours per week or averages forty (40) hours per week.
5. Catastrophic Fund - The fund to which employees contribute vacation leave.
6. Distribution - Receiving paid leave from the Fund by an eligible employee.

**B. Eligibility:**

1. All permanent full-time employees must have completed six (6) months continuous service before being eligible to receive Catastrophic Leave, and have exhausted all other leave entitlements.
2. Employees may receive leave distributions from the fund for up to four hundred and eighty (480) hours.
3. Eligible employees, who do not donate at least once every other year, may not receive Catastrophic Leave for personal or family illness/injury.

**C. Donations:**

1. An employee wishing to contribute vacation, sick and/or holiday hours to the Catastrophic Leave fund should see the Human Resources Department for the contribution forms.
2. The completed form should be returned to the Human Resources Department.
3. Contributions may only be in eight (8) hour increments.
4. No employee may transfer vacation hours in excess of total numbers of hours accrued as of the date of transfer.
5. The Human Resources Department will forward the donation forms to the Finance Department for entry into the payroll system.
6. Contributions may not be limited to the use of a specific person. Donor may not specify who receives contributions.
7. A separate fund established to debit and credit hours contributed and distributed will be monitored to reconcile all transactions. The leave time will be deducted from the records of the contributing employee and credited to the Catastrophic Leave Fund for further distribution.

**D. Withdrawals:**

1. An employee must make request for Catastrophic Leave to the Human Resources Department through his/her department.
2. Employees must make application for Catastrophic Leave by filling out the appropriate paperwork. Paperwork may be obtained from the Human Resources Department.
3. An employee should, when possible, request leave from the program at least ten (10) work days prior to exhausting all paid leave.

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4. No vacation hours may be transferred to any employee on disciplinary leave or suspension.

**E. Approval:**

1. Employee will receive approval from the Administrative Services Director.
2. The Administrative Services Director may request a physician's statement to support the employee's disability and eligibility.

**F. Appeals - An appeal of the decision by the Administrative Services Director shall be made within five (5) work days after receiving the decision. Employees may request that the City Manager review the decision. The City Manager's decision will be final.**



**Section X**  
**Employee Conduct**

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**10.01 On the Job Employee Behavior**

*Effective Date: 9-20-2005*

*Revision Date: 08-15-2006*

**Policy**

In an effort to discourage unproductive behavior, this policy outlines certain general expectations relative to employee behavior while in the employ of the City of Huntsville.

It is the policy of this City that all department heads and designated supervisors have the very important duty of clearly informing each and every employee under their jurisdictions of exactly what is expected of them, both in terms of job related achievement and in terms of on-the-job behavior. While job related activities will vary from department to department, the tenets of general conduct of the employee in carrying out their specific duties can be more universally applied.

- A. The following list is intended to provide only general guidance for the types of behavior that are generally considered unacceptable while in the employ of the City of Huntsville. They include, but are not limited to:
1. Conviction of a criminal felony offense;
  2. Repeated refusal to comply with the proper and reasonable order of an authorized supervisor or the department head;
  3. Disrespectful or discourteous conduct to a member of the public or a City official;
  4. Absence from the job without authorized leave or notification;
  5. Willful damage to public or City property;
  6. Fighting with or assault upon fellow employees, supervisors and/or the public;
  7. Gambling while on duty;
  8. Being under the influence of alcohol or controlled substance while on duty;
  9. Unsatisfactory job performance, including sleeping, loafing, and generally not performing assigned duties as required;
  10. Theft of City property;
  11. Willful misrepresentation or concealment of any fact requested during hiring procedures or during an internal/administrative investigation;
  12. Habitual tardiness;

13. Failure to observe safety regulations;
14. Willful, knowing, intentional, reckless or gross negligence;
15. Violation of State or Federal law and regulations;
16. Violation of City ordinances; and/or
17. Failure to cooperate during internal/administrative investigation.

Proving many of the above behaviors is difficult, at best. However, in many cases the observation or first hand knowledge of an employee involved in the above behaviors can provide evidence to the supervisor that the employee should be warned or counseled in order to validate the behavior and seek corrective measures or disciplinary action.

It may be more productive to attempt to follow corrective discipline activities on the part of the supervisor than to consistently offer punishment. For example, in lieu of immediate dismissal of an employee found using alcohol while on duty, it may be that the employee needs professional help.

The essence of this policy is that it is the supervisor and/or the department head's responsibility to imaginatively enforce correction of unacceptable employee behavior. There are many avenues available to positively enforce corrective discipline. These include counseling (talking to the employee), seeking outside assistance, and making the employee part of the organization decision-making process. There will be instances when positive discipline is not an appropriate method. In these cases, written notification of reprimand, suspension, demotion, and/or ultimate dismissal or recommendation for dismissal may have to be used.

- B.** The supervisor will need to employ a practical and rigorous decision-making process upon which to base disciplinary decisions. One must consider due process, the facts of the event, equity and uniformity of treatment, and the permanent record of the event. One way to accomplish this is to answer a series of questions in check list format. The following is a sample of such a tool:

1. What is the purpose of the rule/regulation within our operation at this time?
2. What evidence do we have that the employee knew and understood the rule?
3. What evidence do we have that the employee knew of possible penalties for violating the rule?
4. What is the nature of the in-house hearing for the employee to answer allegations of rule violation?
5. What evidence is available that the employee violated the rule?

### ***Employee Policies and Procedures, Section 10***

6. If the evidence establishes that the employee violated the rule, what corrective action will be taken in this case?
7. What precedents do we have that the violations merit the penalty given?
8. What evidence do we have that all employees who have violated the same rule have been so accused and if found in violation, have received similar penalties?

### **Purpose**

The purpose of this policy is to provide a framework for the proper conduct of City employees while on the job. It is further intended that discipline, where justified, be meted out in an equitable and imaginative manner. Finally, it is intended that within very broad and general guidelines, department heads and authorized supervisors are responsible for the implementation of this policy within their specific jurisdictional work areas.

### **Procedure**

- A.
  1. Work supervisors or department heads should be certain that new employees are aware of existing work rules. This should be done during the employee's initial orientation and should be repeated at the end of the introductory period.
  2. Work rule changes should be communicated to employees in a timely manner with sufficient advance notice.
- B. The department head or work supervisor should imaginatively and consistently mete out corrective discipline. Care should be taken to treat each case based on the facts of that case and not on similar or like circumstances occurring in the past.
- C. Corrective action should follow a consistent pattern through following general procedures. If the supervisor believes that certain steps should be skipped based on the severity of the infraction, or questions the degree of severity of the infraction, the supervisor should consult with Human Resources prior to initiating any action. One-on-one counseling and assistance in solving a problem area should be given prior to the initiation of any disciplinary action.
  1. Verbal Notification of a Minor Infraction - In those situations where an employee's performance or conduct varies from prescribed expectations (e.g., job description, levels of productivity, customary professionalism, departmental or divisional policies or procedures, etc.) it is the responsibility of the supervisor to notify the employee and discuss corrective action. This shall be done as soon as feasible after the conduct is noted. This verbal notification is an integral part of good supervision since the employee may be unaware that he/she is not meeting expectations or is unaware of the policies or procedures being violated. In most instances, verbal notification of the discrepancy between the employee's performance or conduct and the job expectations should be sufficient to have the employee effect the necessary change. Specifically, the supervisor shall discuss with the employee the conduct or performance level in question and suggest corrective action to be taken by the employee.

***Employee Policies and Procedures, Section 10***

2. Verbal Notification of a Performance Warning - For a repeated infraction after an initial notification, or if the employee's conduct or performance is of a more substantive nature, the supervisor must explain to the employee that he/she is being warned about the infraction in accordance with this section of the Personnel Policies and must discuss the following topics with him/her:
- a. The specific conduct or performance level in question;
  - b. The policy, procedure or other expectation being violated;
  - c. The time frame within which the improvement must occur;
  - d. Subsequent action to be taken, should the employee's performance not meet expectations within the specified period; and
  - e. Whether or not the supervisor will serve the employee with a written summarization of the situation as outlined in the Written Warning Section.

Possible strategies the supervisor may exercise if the employee is unable or unwilling to take necessary corrective action after this warning include written warning, official probation, suspension or termination of employment.

3. Written Warning - In some circumstances, the supervisor may deem it necessary to state:
- a. The violation;
  - b. Suggested action plan;
  - c. Time frame for improvement; and/or
  - d. Possible consequence for lack of improvement to the employee in writing.

Depending upon the seriousness and nature of the violation, this step may occur simultaneously with the Verbal Notification-Performance Warning, as a second step for repeat violations, or as a consequence of insufficient improvement after verbal warning. All written warnings or other statements of disciplinary action in the Personnel file will become void if, for the two (2) year period following the written statement or disciplinary action, the employee remains in continuous active service and receives satisfactory performance appraisals. The Written Warning shall be clearly labeled as such. The supervisor shall sign it to indicate concurrence and the employee shall sign to indicate receipt.

Possible strategies which the supervisor may exercise if the employee is either unwilling or unable to take necessary corrective action after this warning include subsequent written warning, official probation, suspension and/or termination. Employee suspension and termination require the approval of the department head

and advance consultation with Human Resources.

4. Official Probation - For those instances in which the employee has repeatedly violated the same or different policies, procedures, professional practices, or other expectations or for initial violations of a serious nature, the supervisor may decide to place the employee on official probation. Probation may occur at any time during an employee's tenure and is officially begun when the City of Huntsville Performance Appraisal form is completed and the overall appraisal indicates a status of improvement needed, or one or more sections indicate improvement needed.

In cases of official probation, the supervisor must complete a separate Plan for Improvement. The Plan must delineate action the employee must take in order to show adequate performance and/or conduct in all areas requiring improvement on the Performance Appraisal Form. The Plan for Improvement must also specify the time period for improvement and subsequent consequences which will occur if the employee's performance does not meet expectations.

The supervisor shall sign and date the Plan for Improvement as an indication of concurrence with such and the employee shall sign and date it to indicate receipt.

Upon completion of the probationary period, strategies which the supervisor may exercise if the employee is either unwilling or unable to take necessary corrective action include:

- a. An extension of the probationary period;
- b. Suspension;
- c. Demotion; or
- d. Termination of employment.

In all cases of official probation, the supervisor must notify the employee as to the results of the probationary period by completing a subsequent Performance Appraisal at the end of the probationary period which:

- a. Specifies that the employee is functioning at a proficient level or above; or
- b. Delineates the areas requiring further improvement and immediate action to be taken, if any; or
- c. Identifies the employee's performance as being unsatisfactory with a recommendation to the department head for demotion or termination.

Should the official probation be in effect at the time of an annual increase, the

increase may be delayed until such time as the employee is off probationary status and is determined to be functioning at a level of proficient or above.

5. If the employee's annual Performance Appraisal for consideration of a merit increase is due immediately prior to the initiation of, or during a stage of disciplinary procedure, and the supervisor believes that the infraction under consideration for correction would have an undue negative influence upon the appraisal, he/she may suggest postponement of the Performance Appraisal. The employee and the Department Director must be notified in writing by the supervisor that such delay is recommended, the rationale for such and that the effective date of a salary increase will be altered in order to be consistent with the employee's improved performance. It is the responsibility of the employee to respond to such, in writing, indicating concurrence with the supervisor's recommendations, or requesting that the Performance Appraisal not be delayed. Delay of the Performance Appraisal and change of effective date or merit increase within one year will not alter the employee's original anniversary date for subsequent years. If the employee requests that the Performance Appraisal not be delayed, the supervisor shall comply with such request.
  6. Disciplinary Suspension (time off without pay), should follow a repeated failure of the employee to correct his/her actions.
  7. Demotion or Discharge is the final action. Discharge or demotion must be placed on a Personnel Action Form along with a substantiating statement from the department head or evidence upon which action is being taken.
- D.** Employees will have the opportunity to file a grievance against a suspension, demotion or a discharge.
- E.** All written warning or other statements of disciplinary action on file will become void if, for the two (2) year period following the written statement or disciplinary action, the employee remains in continuous active service and receives performance appraisals of satisfactory or better.
- F.** Department heads and work supervisors are responsible for providing written documentation on disciplinary action taken against employees.

## **10.02 Outside Employment**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

No permanent full-time or part-time employee shall engage in outside employment which is not compatible with the full and proper discharge of duties and responsibilities of his/her position or which tends to impair the capacity to perform his/her duties and responsibilities in an acceptable manner.

Department heads desiring to engage in outside employment must make written requests to the City Manager. Any other employee desiring to engage in outside employment shall request in writing to his/her department head concerning the duties and hours of employment. Department heads may notify the employee that such outside employment is unacceptable and that the employee must discontinue or modify the outside employment or any reason including the following:

- A.** If such employment has actual or potential conflict between it and an employee's official duties.
- B.** If the outside employment would require an amount of time or effort which will prevent the employee from rendering good service in his/her position with the City.
- C.** If the outside employment would ever conflict with a request by the employee's department to work overtime.
- D.** If the employment or the place where it is performed are such as to bring either the City or the employee into disrespect or disrepute.
- E.** If the employment would require the employee to appear in any City uniform or avail themselves of City equipment, records, documents, files or involve any service being performed by the City.
- F.** If it appears from the employee's sick record or other evidence that outside employment might impair his/her ability to discharge his/her obligation with the City.
- G.** Employees who are on light duty status are prohibited from having outside employment.

Outside employment shall be subject to the conditions and limitations stated in the employee's notifications or imposed by the department head, Human Resources, City Manager or the City Council.

Also, any injury occurring during outside employment must be reported to the department head and made a matter of record. Copies of the report shall be sent to the Training/Risk Coordinator and Human Resources. Failure by the employee to report such injury may be cause for dismissal.



**Purpose**

The purpose of this policy is not to discourage outside employment but to formally state conditions under which such outside employment may be unacceptable. Certain positions are of a sensitive nature requiring public trust; the City must assure that no conflict occurs, that no unauthorized use of position or City facilities or property takes place and that all employees are able to fully discharge all duties and responsibilities for which they are being paid. Department heads are responsible for assuring that outside employment is compatible with full discharge of all duties and responsibilities.

**Procedure**

- A. An employee wishing to engage in outside employment or an employee not employed outside wishing to begin his outside employment shall send a written request to his/her department head. The notice shall state the hours and duties of the employment as well as the employer and place of employment.
- B. The department head shall evaluate the notice and determine its compatibility with the employee's full discharge of current duties and responsibilities.
- C. If the department head disapproves of the outside employment, a copy of the notice and reasons for disapproval shall be sent to the employee and to Human Resources for inclusion in the employee's personnel file.
- D. Department heads desiring to engage in outside employment shall submit a written request to the City Manager stating the hours and duties of employment, the employer and the compensation to be received. The City Manager shall evaluate the request.
- E. The department head, Human Resources or the City Manager and the City Council (where applicable) may establish conditions for approving such employment. Such conditions may be limitations on the outside employment or may approve the employment subject to periodic reviews.

**10.03 Restriction of Political Activities**

*Effective Date: 9-20-2005*

*Revised Date:*

**Policy**

No City employee shall engage in any partisan political activities during working hours. No City employee shall use his/her position or the authority of his/her office to coerce or inhibit others in the free exercise of their political rights or to solicit contributions or any other support for partisan political activities. No City employee will be intimidated into supporting or contributing to partisan political activities.

Any violation of this rule is cause for suspension or dismissal. Outside of working hours, there shall be no restriction on political activities, except employees under Federal grants covered by the Hatch Act.

**10.04 Use of City Property and Facilities**

*Effective Date: 9-20-2005*

*Revised Date:*

**Policy**

**A. Use of City Telephone:**

1. Employees are permitted to use City telephones. This is a privilege, not a right, and may be withdrawn by the department head/supervisor if abused through excessive use or if telephoning causes interference with work duties.
2. Toll and extra unit personal calls may be made only with prior approval of the department head and at the employee's expense.
3. Employees shall observe the rules of telephone courtesy in answering or placing calls.

**B. Use of City Vehicles, Equipment, Supplies or Tools:**

1. City vehicles, equipment, supplies or tools shall not be used for private or unauthorized purposes.
2. Employees shall be responsible for the care and conservation of City vehicles, equipment, supplies or tools and shall report accidents, breakdowns or malfunctions of any unit promptly in order for necessary repairs to be made.
3. In using the City's vehicular equipment, employees must remember that they are representatives of the City government and that their conduct in adhering to the rules of safety and courtesy on the road is a reflection on the entire organization and its level of law enforcement. Thus, it is imperative that such employees abide by these rules and customs.

**C. Identification Cards:**

1. All employees are furnished standard identification cards. These are not transferable nor are they to be used for any private non-authorized purpose.
2. Human Resources shall be responsible for collecting and destroying identification cards for employees upon their separation from City employment.

**D. Personal Mail:**

1. Unless previously authorized by the department head and/or supervisor, employees shall not use the address of any City facilities for receipt of personal mail.

*Employee Policies and Procedures, Section 10*

2. Employees shall not use the City or interoffice mails to send out personal correspondence.

**E. Other Property** - Employees are required to return all City property or equipment in their possession upon separation from City employment, promotion and/or transfer to another department. The employee's final paycheck will be withheld until such time as this is satisfactorily accomplished.

**10.05 Conflict of Interest, Bribery**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

No employee of the City shall have any substantial interest in, directly or indirectly, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in conflict with the proper discharge of his/her duties in the public interest.

No employee of the City shall use his/her position to secure special privileges or exemptions, personally or for others. No employee of the City shall directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity from any source except the City of Huntsville for any matter or proceeding connected with, or related to, the duties of such employee. However, honoraria or expenses paid for papers, talks, demonstrations or appearance made by employees on their own time shall not be deemed a violation of this section provided such activity is approved in advance and in writing by the department head.

Department heads must receive prior City Manager approval for receiving honoraria or expenses paid for papers, talks, demonstrations or appearances made on their own time wherein they are acting or speaking in their official capacity as an official of the City of Huntsville.

**10.06 Release of News Information**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

No unauthorized employee shall volunteer any information on City business. If requests are made by any representative of the communications media, the employee shall refer such requests to his/her department head or anyone authorized to talk with the media. However, these policies shall not restrict the rights of the individual employee to comment in his/her capacity as a private citizen on any public matter.

### **10.07 Accessibility and Confidentiality of Personnel Records**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

The City of Huntsville desires to maintain proper use of employee personnel records while protecting and maintaining the individual privacy of its employees, and has adopted the following policy in order to:

- A. Protect individual employees interested in the disclosures that are made from records about them.
- B. Prevent unwarranted intrusion into an individual's private files.
- C. Maintain accurate records in order to provide fair and impartial decisions about an individual employee.

#### **Procedure**

- A. **Employee** - Each employee may examine the contents of their own personnel file. With the exception of those items which are part of the public records of the City of Huntsville, no disclosure of the content of the individual personnel file will be made without the individual's written consent. However, dissemination of appropriate and necessary individual data to conduct the business of the City will be carefully controlled so that only parties who need the information will have access to it. Employees may review their personnel file and have the opportunity to correct or challenge its contents. An individual's information may be released without previous consent only in response to a subpoena and with the consent of the City Attorney.
- B. **Public Record** - The public record for each employee consists of the following current data elements. Members of the public can view these items in the Human Resources office on request. Verbal or telephone requests for this information will not be honored. Human Resources will notify the individual on whom an Open Records request was submitted. The items on the public record are:
  - 1. Name;
  - 2. Job Title;
  - 3. Department/Division;
  - 4. Job Description;
  - 5. Employment Status;

- a. Full-time,
  - b. Part-time, or
  - c. Leave of Absence;
6. Salary; and
7. Date of Employment.

**C. Internal Access:**

1. Only the authorized staff of Human Resources will have regular access to the contents of each employee's entire personnel record. The City Attorney may access the personnel records of any employee only in response to court action with respect to a lawsuit or regulatory agencies with subpoena power.
2. Department heads and Supervisors may access:
  - a. The employment application;
  - b. The employee performance appraisal;
  - c. Other documents on the public record; and/or
  - d. Other payroll, benefit and time and attendance data affecting the department's budget and expenses.
3. City Council Members may access:
  - a. As individuals, items on the public record; and
  - b. When conducting official business as members of authorized committees, items relevant to:
    - (1) City business; and/or
    - (2) A lawsuit or subpoena.

**D. Secondary Files Maintained by City Departments - Employees may have access to files maintained in City Departments as required by regulatory agencies or state statutes necessary for the operation of the department.**

Departments maintaining secondary files should provide Human Resources with a list of the types of items contained in the secondary files on each employee in the department. The



following are provided as guidelines to department heads with regard to secondary files:

1. Limit disclosure, even to other City Departments or federal agencies of personnel records.
2. Maintain a detailed record of each access to a file.
3. Allow individuals, upon request, to review, challenge and modify information contained in their own secondary file.
4. Maintain only personal information which is relevant and necessary.
5. Collect information "to the greatest extent practical" directly from the individual to whom it pertains, and inform that person of the reason for collecting this information.
6. Maintain a detailed list of the existence of each of the items on record with Human Resources.
7. Maintain records with accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness.
8. Inform employees what records are maintained about them and permit employees, upon request, to see and copy the material.
9. Correct any records an employee or former employee believes are inaccurate, or explain why such corrective action was not taken.
10. Limit access to the records on a need-to-know basis.

**10.08 Drug-Free Workplace**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the City's intent and obligation to provide a drug-free, healthy, safe, and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance on City premises or while conducting City business off City premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City recognizes drug dependency as an illness and a major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our Employee Assistance Program and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of City policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988.)

## **10.09 Travel and Business Expense Reimbursement**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

Training/Seminars are a tool to enhance an employee's ability to perform their assigned duties. This benefits each employee's personal and professional development.

The City of Huntsville encourages employees to participate in job related training, professional affiliations, and business related functions which serve in the best interest of the City. Expenses incurred during the course of out of office business and business travel will be paid by the City based upon documented, reasonable, and necessary expenses, and upon department head approval. Prior approval is an integral part of the travel and training expense procedure in City of Huntsville. In the event that travel is conducted without prior approval, the employee may be responsible for all expenses incurred. Employees are responsible for assuring that expenditures are prudent and necessary.

### **Procedure**

#### **Methods and Procedures of Reimbursement and Payment of Travel and Business Expenses:**

1. Expense Reimbursement through Accounts Payable - Reasonable business expenses, in accordance with the guidelines set forth herein incurred and paid by the employee while on City travel, will be reimbursed to the employee through Accounts Payable. In order to be reimbursed for expenses incurred, a signed, approved Record of Travel/Training/Expense Form must be submitted to Accounts Payable ten (10) days following the end of travel. (Small dollar travel expenses should be accumulated and submitted quarterly.)
2. The Record of Travel/Training/Expense Form must be completed in all sections as applicable and indicate conference attended, dates, and times of arrival and departure, as required by federal IRS regulations. Employees must attest to the use of the City credit card if applicable. Conference brochures and travel schedule shall be included with all submission.
3. Mileage Reimbursement through Accounts Payable - Employees using their privately owned vehicle for City use may be reimbursed at the current standard mileage rate determined by the Internal Revenue Service. Mileage can be determined by using Internet map and direction sites such as Yahoo Maps and Expedia.com.

Mileage on City business not associated with travel must be submitted for reimbursement through Accounts Payable within ten (10) days of the end of each quarter.

4. Travel Advance through Accounts Payable - A travel advance is money requested in advance for estimated incidental expenses such as per diem, parking, ground transportation, tips and other miscellaneous costs. Advances are allowed up to the applicable per diem rate for the number of days approved for the trip. Advances are not available for large travel fees such as hotel, registration and air transportation that can be invoiced, paid by City P-Card or reimbursed through Accounts Payable. Emergency travel advances must be approved by department heads.

A Travel and Training Advance Approval Request *Form* must be completed prior to departure and submitted to Accounts Payable no later than ten (10) days prior to departure. The Advance Request must have the Director's or supervisor's approval. Within ten (10) days of return, the employee must submit a City of Huntsville Record of Travel/Training/Expense Form to Accounts Payable, complete with receipts, authorization and any unused advance. Money due to the employee will be reimbursed through Accounts Payable with completion of the expense report at the conclusion of the trip. Funds owed back to the City should be paid within ten (10) days or subtracted from the amount due the employee on the Record of Travel/Training/Expense Form.

5. City Procurement Card (P-Card) Payment for Travel Expenses - Departments are encouraged to utilize the City of Huntsville procurement card to cover travel and business expenses except meals for themselves and their staff. For each travel and business expense charged to a City procurement card, the cardholder shall complete the required Record of Travel/Training/Expense Form. The date, description and purpose of the travel expense and submittal of itemized receipts are required for each travel expenditure as part of the account reconciliation.

City Procurement cards should not be used for meals. Exceptions may be granted for appointed board members and officials, or employees traveling with a card holder on City business. Copies of receipts for credit card purchases are required to be attached to the Record of Travel/Training/Expense Form. Originals should be included with the credit card statement.

Travel expenses charged to the City that exceed the policies and dollar amounts detailed herein must be reconciled at the time of the transaction with the employees' personal funds. Only the balance payable with City funds should be charged directly to the City of Huntsville. General information and procedures for procurement card purchases can be found in the manual distributed by Purchasing.

6. Expense Authorizations - Department heads must approve travel expense reports for their departments. The City Administrator shall be responsible for approving all other travel expense reports. The Finance Director will review reports submitted by Council members, appointed board members, and department heads at his discretion.
7. Receipts and Documentation - For each travel and business expense submitted for

reimbursement, the employee shall complete the Record of Travel/Training/Expense Form detailing the date, description and purpose of the travel expense. Submittal of itemized receipts is required for each travel expenditure for the following expenses:

- a. Lodging;
- b. Transportation receipts (e.g. airfare, car rental, parking); and/or
- c. Registration showing dates of conference.

Lost Receipt - Should an itemized receipt be unavailable or lost, a signed statement explaining the facts and circumstances of the expense must be submitted as part of the reconciliation and approved by a department head. An employee who loses a receipt must submit a signed statement indicating the expense was incurred in connection with City business, and has not been and will not be on any other voucher submitted for payment. This statement must be signed by the department head or person authorizing approval.

8. Lodging:

- a. Hotel stays at properties selected by the department director or their designee will be approved for multi-day events. The department director must approve a hotel stay on the night before the event if the travel is less than one hundred (100) miles. Charges for lodging are reimbursable to the extent of actual reasonable expenses. Efforts should be made to utilize special seminar, conference, and government rates.
- b. The City will pay lodging expenses (including room charges and applicable taxes) for an employee at the single occupancy rate. An employee accompanied by a spouse/guest will be responsible for the difference between the single occupancy rate and the charged rate. The City will pay room charges and applicable taxes.

**EXTENDED STAYOVER:** Because conferences are often held in tourist/resort communities, representatives of the City may desire to extend their stays before and/or after conferences. City representatives may extend their stays at their expense and, if necessary, vacation time is utilized. No expenses for extended stays will be reimbursed by the City, unless there is a net savings to the City, such as:

- (1) Reduced airfare for Saturday night stay over;
- (2) A weekly car rental might be less costly than a five-day car rental;

- (3) A weekly room rate might be less expensive than several nights at a regular rate; and/or
- (4) Other similar cases where a net savings is provided to the City.

Each stay over reimbursement must provide a net savings to the City and must be approved by the City Administrator and/or the Finance Director.

9. Per Diem Allowance for Allowance for Meals and Incidentals - Elected officials, appointed boards and committee members, and City employees will be given a per diem when traveling overnight on City business. The per diem is expected to cover all meals, tips, snacks, and other small miscellaneous expenses incurred while traveling and will be prorated to account for partial days. The per diem is not intended to pay for lodging. The amount of the per diem will be based on the Domestic Maximum Per Diem Rates of the City of destination as published by the General Services Administration of the United States. The City administrator may authorize a higher amount than published by the GSA upon request. However, any increment above the published rate will be considered additional income and taxed accordingly.

For partial days away from home, the per diem allowance will be prorated. Under IRS regulations, one-third (1/3) of the applicable rate is used for each meal of the day during which the employee is traveling away from home. The per diem will be reduced by one-third (1/3) for each meal that is available at no cost to the employee as part of the seminar/event. Prorating will be pursuant to the following table:

Meal	Departure time before	Return time after
Breakfast	7:00 a.m.	9:00 a.m.
Lunch	11:00 a.m.	1:00 p.m.
Dinner	4:00 p.m.	7:00 p.m.

If a check requisition is necessary, it should be forwarded to accounting no later than ten (10) days before the employee is scheduled to leave.

Business meetings held during meal times where City business is transacted or discussed may be reimbursed with prior approval of the department director. Documentation for reimbursement should include a dated receipt, participants' names, company name, and the reason for the meeting. Credit card purchases for this category require prior approval from the department director.

10. Transportation - Types of transportation authorized for City use include personal automobiles, railroads, airlines, buses, taxicabs and other usual means of transportation. Costs incurred for travel must be ordinary, necessary and the most

economical. Transportation costs may include fares plus reasonable tips, parking fees and toll costs. Rental cars may be approved, if necessary, to get to a destination or if determined to be economically beneficial.

The City will pay reasonable and necessary transportation costs incurred for required travel relating to work and training. Commercial air travel is at the discretion of the department director or their designee. Employees must select carriers with the lowest airfare and are encouraged to utilize advance purchase discounts, and the City's travel card for airline purchases and car rental purchases. The City's Purchasing Agent should be contacted to use the travel card.

- a. City vehicles - City vehicles may be used according to the discretion of the department head. Direct expenses such as gasoline and oil associated with the use of vehicles will be reimbursed.
  - b. Personal vehicles - With the approval of the department heads, City representatives may use their personal vehicles for out of town travel. The City of Huntsville will pay a per mile rate based on the amount authorized by the Internal Revenue Service Code. When a representative has approval to use his/her personal vehicle on a trip, and the destination is more than a normal days' travel from the point of departure, the City will not reimburse the representative for any expenses (such as lodging and meals), which, in transit exceeds the cost of regular round trip coach airfare. Normal travel will not exceed one (1) day. Any travel time which is greater than one (1) day and could have been reached within the same one (1) day by airlines, will be considered vacation time. The City will pay for required mileage to and from the destination. The City will pay for parking expenses at the destination including airport parking expenses. If a representative is driving a personal vehicle outside the City and has car failure, the City will pay the expense of towing the vehicle to the nearest garage. The representative must pay for repairs.
  - c. Parking and tolls - Expenses incurred for parking and toll fees and/or the use of ground transportation, such as taxis, limousine service and shuttle buses will be reimbursed. Receipts are required for individual expenses in excess of ten dollars (\$10.00). The department director must authorize all car rentals.
  - d. Overnight Travel - If the travel includes authorized lodging, an employee may still choose to commute by vehicle, but will not be compensated while commuting, except as provided under this Section, paragraph 12 following.
11. Registrations/Conference Fees - Conference registration shall be reimbursed on a City of Huntsville Record of Travel/Training/Expense Form. Any meals, transportation and lodging packaged as registration fees shall be deducted from any per diem allowances.

***Employee Policies and Procedures, Section 10***

12. Overtime Consideration - An employee attending a training session may and/or may not be eligible for overtime compensation as outlined below:
- a. Time spent attending training facilities and/or schools is not compensable if attendance at the facility is not required, even if the classes or training session in question may incidentally improve the employee's work performance or prepare the employee for advancement. This is true even if the City pays for all or part of the training.
  - b. Whether travel time is counted as hours worked depends upon the kind of travel included. Out-of-town travel is covered by two sets of rules, depending upon whether the assignment is for one day or requires an overnight stay.
    - (1) If an employee is given a one-day assignment in another City that does not require an overnight stay out of town, all the time spent traveling between cities is counted as "hours worked".
    - (2) If the employee's out of town assignment requires an overnight stay, time spent traveling to and from the other City is counted as hours worked only to the extent that is coincides with the employee's regular workday hours.

Overtime consideration and travel payment follow FSLA guidelines pursuant to Sections 785.37 – 785.41. FLSA guidelines are to be used in the interpretation of this section.

13. Miscellaneous Non-Reimbursable Expenses - The following expenses are considered non-reimbursable except as documented for business purposes and approved by the department head:
- a. Alcoholic beverages;
  - b. Non-business related entertainment;
  - c. Laundry and dry cleaning;
  - d. Parking or traffic fines/towing expense;
  - e. Tobacco and personal products; and/or
  - f. Pay per view movies.

**EXCEPTIONS:** Exceptions to the policies outlined above are to be made only in exceptional circumstances and only in those cases where the best interests of the City are clearly manifest.



### **10.10 Cellular Telephones**

*Effective Date: 9-20-2005*

*Revision Date: 08-15-2006*

#### **Policy**

The City of Huntsville recognizes that a cell phone can enhance an employee's ability to perform their job responsibilities, and, thus, benefit the employee's department and the City. The City's cellular service shall be monitored and evaluated on a regular basis by a Plan Administrator in order to ensure compliance with established use policies and budgetary restraints. The plan Administrator shall be assigned by the Administrative Services Directors from that department.

#### **Purpose**

- A. To establish a City policy regarding the use of City cell phones and the reimbursement of business related calls on personal cell phones.
- B. To ensure that this service remains efficient and effective to include review of employee utilization of their City-issued phone in accordance with policy, overages are addressed in a timely manner, etc.
- C. To evaluate service plan levels according to use and recommend changes to increase or decrease service levels based on use, cost, etc.

#### **Procedure**

##### **A. City Purchased Cell Phones:**

- 1. Contracts, Policies and Procedures - The City may, at its discretion, enter into contracts with cellular telephone service providers. During the period when one or more of these contracts is in force, the City will only purchase cellular telephones or cellular telephone service agreements for employee use on the basis of these contracts, unless a specific exception is granted. Procurement of cell phones and plans shall be administered by the Information Technology Division. Cell phones purchased for employee use should be based on the following criteria:
  - a. The employee's position requires timely two-way business communication while out of the office.
  - b. Phone service plans should be selected to reflect the estimated business use.
- 2. Eligibility and Approval - Cellular telephones and services may be provided to certain City employees to conduct activities incident to their City employment that either cannot be conducted on a land-line telephone or for which it would be inefficient to use a land-line telephone. Requests for cell phones must be

***Employee Policies and Procedures, Section 10***

approved by the employee's supervisor (who will determine need), the department director, the IT Division (who will provide advice on the most appropriate equipment and plans), and the City Manager.

3. Monthly Billing - Invoices for City cell phones are to be directed to the Administrative Services Department. The Plan Administrator will be required to review and approve the summary. The department head will be responsible to either require the employee to reimburse the City or approve for payment. The Administrative Services Department Director will review all invoices and detail and authorize payment in addition to the plan administrator. The validity of the cell phone use for professional vs. personal reasons is subject to audit at any time.
4. Cell Phone Restrictions:
  - a. Employees must use a hands free device while driving on City business.
  - b. If an employee does not have a hands free device, he/she should let voice mail answer and/or call back when he/she is able to stop at a safe area.
  - c. An employee may not operate a personal business from a City cell phone.
5. Personal Calls - The City of Huntsville provides cellular telephones to employees for the purpose of conducting City business. The use of City-owned cellular equipment to make or receive personal calls is discouraged, although it is understood that usage for personal reasons may be necessary in emergency situations. Employees must realize that although personal calls made within the local calling region and under the usage limits provided by the employee's plan do not result in additional charges, they do count toward the overall time limits established under the service agreement. Any overage, long distance, roaming or other charges incurred by the employee for personal calls shall be the responsibility of the employee.
6. Damage, Loss or Theft - Handsets or other equipment that is damaged in the course of business should be brought to the IT Division, who will contact the vendor for replacement or repair. Lost or stolen cellular equipment should be immediately reported to the employee's supervisor and to the IT Division so that the service can be cancelled. All costs incurred for replacement or repair will be the responsibility of the employee's department. If an employee consistently loses or damages his/her cell phone, the employee will be required to reimburse the City for purchasing/replacing the cell phone.
7. Program Management - The relationship with cellular providers shall be managed through the IT Division. IT Division staff will place all orders for cellular telephones and services with the contracted vendor and take delivery of equipment. IT staff will contact employees ordering equipment when it arrives and provide necessary orientation and training. The Plan Administrator, along with the department heads, will monitor plans and overall usage and suggest changes in service agreements to provide the most convenient and economical plan to the employee.

**B. Plan Administration:**

1. The Plan Administrator will be the contact point for supervisors to turn in requests for new or upgraded service plans as well as discontinued service requests. The Plan Administrator will then forward these requests to the City Manager for approval before completing such service request. When an employee terminates or changes to a position that no longer requires a City-issued cell phone, that employee's cell phone must be turned in along with a justification for indicating the change to the Plan Administrator by the end of the employee's last working day (or in that position).
2. The Plan Administrator will receive the monthly statement from the service provider and within three (3) business days will transfer the information to a spreadsheet for evaluation and payment purposes.
3. The Plan Administrator will then forward a copy of the statement and backup spreadsheet delineating charges to the appropriate fund-department/division-object code to Finance as authorized to be processed for payment.
4. The Plan Administrator will review the statement for overages and notify the employee's department head (or their authorized designee) of the total owed to the City. Reports will be provided for reviews to take place at the first City Manager Staff Meeting following receipt of the monthly statement.
  - a. Monthly Review: On a monthly basis, department heads will be notified of their departmental service plan amounts, by user. It is the department head's responsibility to ensure that both the employee is notified and that reimbursement is made to the appropriate account in a timely manner.
  - b. Quarterly Review: The Plan Administrator will prepare a comparison spreadsheet on a quarterly basis to (1) provide department heads with overage amounts, and (2) review service plan levels in order to make recommendations for changes in service plan levels to the department heads. In addition, the Plan Administrator will produce a report to demonstrate reimbursements and delinquencies.
5. If any employee's monthly service charge exceeds the plan by \$5.00 or more or if an employee's quarterly service charge exceeds their plan by \$10.00 or more, for non-business-related calls, the employee is responsible for reimbursement to the City. The employee is responsible for reimbursement to the appropriate account for the charges owed by the end of the month in which they were notified of the overage. (A form is available for submission with payment to ensure accuracy in accounting – see the Plan Administrator.)
6. Service plan level changes will only be authorized by the City Manager.

**C. Employee Purchased Cell Phones:**

***Employee Policies and Procedures, Section 10***

Policies and Procedures - City employees may submit a request for reimbursement when their personal cellular phone is used for business related calls. Employees will be reimbursed a flat rate per minute for local calls. A reimbursement request cannot exceed the amount paid by an employee for a monthly service plan. Taxes, surcharges, late fees and miscellaneous assessments are non-reimbursable. Additional fees related to long distance business calls will be reimbursed per billing detail. Employees must submit their requests for reimbursement on a City of Huntsville Travel and Business Expense Report. Attachments must include a copy of the bill detail with business related calls highlighted, as well as an account summary page detailing monthly package charges. Reimbursement requests must be submitted to Accounts Payable within 30 days following the end of each quarter. Department heads who report to the City Manager shall submit a copy of their Expense Reimbursement Form with copies of billing and account summary detail to the City Manager's Office for review.

The City encourages employees to submit this expense with other employee expense reimbursement requests to reduce unnecessary transactions.

<b>Cell Phone expenses incurred in:</b>	<b>Must be submitted no later than:</b>
October-November-December	January 31
January - February -March	April 30
April – May- June	July 31
July – August-September	October 31

**Section XI**  
**Terminations**

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### **11.01 Retirement**

*Effective Date: 9-20-2005*

*Revision Date:*

#### **Policy**

Employees retiring from the City of Huntsville shall be afforded the maximum consideration relating to personal counseling well in advance of their proposed retirement date.

Employees eligible to retire under the Texas Municipal Retirement System may continue participation in the City of Huntsville Medical and Dental Insurance programs.

#### **Purpose**

The purpose of this section is to apprise the retiring employee of all entitlements and benefits they may be eligible to receive.

#### **Procedure**

- A. Where practical, Human Resources will apprise the retiring employee of available community counseling and activity-oriented programs for retirees.
- B. Retiring employees should be directed to Human Resources at least six (6) months prior to the expected date of retirement. In addition to the completion of necessary forms, Human Resources shall brief such employees relative to the benefits to be received. During the six (6) month time frame Human Resources shall make available to the employee such pertinent information regarding retirement as may be appropriate.
- C. Employees who wish to know the amount of their pension from the Texas Municipal Retirement System may contact Human Resources one (1) month prior to the expected date of retirement and receive an estimate of this benefit amount.
- D. A retired employee may continue health plan coverage at the same cost that the City sets for regular employees or employee dependents if the retired employee retires with eighty or more points (age plus service). The City will continue to pay the retired employee's health plan cost as if the retired employee were an employee of the City while that retired employee remains a member of the City's health plan.
- E. The retired employee, spouse or dependent, must pay in advance by bank draft the health plan cost established by the City for the employee, spouse or dependent plus a two (2%) percent administrative fee. Retiring employees wishing to continue participation in the City's group health and dental insurance programs and does not meet the criteria as stated in the policy of this Section 11.01-D are required to:

*Employee Policies and Procedures, Section 11*

1. The City will stop health plan coverage if payments are more than one (1) month delinquent; and
  2. The scope of health plan coverage for retirees and their spouses or dependents will be subject to the same terms and conditions, and changes to terms and conditions, as those for regular employees and/or dependents.
- F.** To be eligible for health plan coverage, the City's health plan must cover the retired employee, employee's spouse and/or dependent at the time of the employee's retirement from the City. The City will not permit the addition of new dependents to the health plan after the employee's retirement. If a retired employee, or that retired employee's spouse and/or dependents stop health plan coverage for any reason, then the City will not permit the retired employee and/or spouse or dependent, to reenter the City health plan.
- G.** Retiring employees will be eligible for any earned and accumulated vacation, holiday and/or sick leave compensation benefits and any compensatory or overtime payments due.
- H.** All benefits compensable at the time of retirement are to be paid at the employee's current rate of pay and paid in the same pay period in which the employee's last day of actual work occurred.
- I.** Retiring employees will have payroll deductions from final checks of all pre-authorized request(s).

## **11.02 Resignation**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

An employee may resign from City employment by presenting his resignation in writing to his/her department head. To resign in good standing, an employee must give the department head at least fourteen (14) calendar days notice. The department head may, at his/her option, choose to set the date for actual resignation prior to the end of fourteen (14) calendar days. Upon approval of the department head, an employee may withdraw his/her resignation no later than ten (10) calendar days after the date the resignation notice is submitted.

No form of resignation filed without a resignation date and that is not intended to be a bona fide and voluntary resignation to be acted upon at the time of filing shall be accepted by Human Resources as a resignation. Any separation under such circumstances shall be deemed a dismissal and the provision relating to dismissal shall apply.

### **Procedure**

- A.** When an employee notifies a department head or his/her designated staff member that he/she intends to resign, an exit interview shall be conducted.
- B.** The Personnel Action Form and the letter of resignation shall be submitted to Human Resources as soon as possible.
- C.** An appointment shall be arranged with Human Resources for the resigning employee. The department head shall be sure that all City property and equipment in the possession of the employee, including keys, I.D. card, uniforms, etc., are returned to the department prior to the employee's departure. An employee's failure to return all City property and equipment will result in a reduction of the employee's final check via a payroll deduction.
- D.** Human Resources shall conduct a second exit interview. During the interview, Human Resources will determine the reason the employee is leaving, insure that all compensation due the employee is paid, have the employee sign a statement concerning the reason for resignation, a receipt of all compensation due, and the form for a refund of T.M.R.S. contributions. Human Resources will explain conversion of insurance benefits and direct payment for benefits, and provisions of Unemployment Insurance and Worker's Compensation insurance, where applicable. Human Resources will also inquire as to the return of City equipment and property by the resigning employee.
- E.** Resigning employees giving two (2) weeks' notice will be eligible for any earned and accumulated general leave, holidays, sick leave compensation benefits due in accordance with Section 4, and any compensatory or overtime payments due.



- F.** All benefits compensable at the time of resignation are to be paid in accordance with Section 7.

**11.03 Dismissal**

*Effective Date: 9-20-2005*

*Revision Date: 08-15-2006*

**Policy**

Employees who do not have regular status may be dismissed at any time at the discretion of the department head, except those serving an introductory period following a transfer or promotion.

No employee who has permanent status shall be dismissed except for just cause. An employee who has been dismissed shall not be deemed to have severed employment in good standing. A regular employee is entitled to a pre-termination hearing. An appropriate supervisor must present the employee with a written notice of the charges against the employee, an explanation of the evidence and an opportunity for the employee to present their side of the story.

A copy of the dismissal statement and any reply from the employee shall be filed with Human Resources prior to the effective date of the dismissal.

**Procedure**

- A. Just cause is a violation of established rules or actions on the part of the employee which impairs the effectiveness, efficiency or reputation of the City.
- B. An employee's on or off the job behavior which impairs the effectiveness, efficiency or reputation of the City is also considered just cause.
- C. An employee may wish to grieve a dismissal and should be allowed to do so in accordance with Section 12.

#### **11.04 Reduction in Work Force**

*Effective Date: 9-20-2005*

*Revision Date:*

##### **Policy**

Department heads may reduce the work force in their respective departments by laying off an employee by reason of abolition of position, shortage of work or funds or other reasons outside the employee's control which do not reflect discredit on the work performance of the employee. The duties formerly performed by the laid off employee may be assigned to other permanent full-time employees who, in the opinion of Human Resources, hold positions in appropriate classes.

The order of lay off may be on the basis of work performance or on the basis of shortest continuous employment with the City, except that probationary employees, temporary part-time employees and temporary full-time employees will be laid off before permanent part-time and permanent full-time employees.

In instances where a lay off of a regular part-time or regular full-time employee occurs, the department head shall give at least ten (10) days written notice to the employee and Human Resources indicating to Human Resources the reasons for such a lay off.

In instances where a department head does not indicate to Human Resources, in writing, the reasons for the lay off and that lay off was for reasons not reflecting discredit of the employee, it shall be deemed a dismissal.

In every case of lay off of a regular part-time or regular full-time employee, the department head shall give notice to Human Resources and the employee. Such notice is not subject to the five (5) day requirement applied to regular full-time or regular part-time employees.

Regular part-time and regular full-time employees who are laid off shall be placed on a listing for preference in any position of the same or comparable class that may open in the City. They shall have the same preference for employment given to individuals on an approved leave of absence without pay.

##### **Purpose**

To establish written guidelines for accomplishing a reduction in work force to ensure that regular employees are given adequate notice and are treated in a fair and consistent manner.

##### **Procedure**

- A. Department heads intending to reduce their work force should prepare a list of employees affected and give notice required as quickly as possible to Human Resources and the employee affected, but in no case less than ten (10) days before the action takes place.

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- B.** Employees laid off have the same rights and privileges to re-employment and insurance coverage as employees on a granted leave of absence without pay (see Section 4.06).
- C.** Employees laid off are eligible to receive Unemployment Compensation and will be informed of that fact by Human Resources.

**Section XII**  
**Grievances**

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## **12.01 Grievance Procedure**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

It is the policy of the City of Huntsville to encourage and promote the prompt and equitable adjustment of employee grievances so that a harmonious and productive work environment is maintained. Both department heads and employees are expected to make every reasonable effort to resolve problems as they arise, but it is recognized that there will be grievances which can only be resolved after a hearing and review of the facts and issues involved.

Any employee who presents a complaint in good faith and in a reasonable manner shall be free from any restraint, interference, discrimination or reprisal for exercising their right to pursue a grievance.

### **Purpose**

The primary purpose is to provide a means by which an employee can express a complaint about terms and conditions of employment and obtain a fair hearing through progressively higher levels of management. Therefore, grievances must be considered objectively and in an atmosphere of mutual understanding.

- A. **Definition of Grievance** - A grievance is defined as a complaint of an employee relating to the job, working conditions or treatment.
- B. **Restrictions** - Grievances will be restricted to matters in which the City Manager has authority. Such matter shall not include items specifically regulated by the City Charter, ordinances, personnel policies and general wage levels established by the Classification/Compensation Plan. The grievance procedure may be utilized, however, should the grievance be based on unfair or unreasonable application of such policies and programs to the individual employees.

Grievances resulting from disciplinary actions except for terminations may, but are not required to be appealed through the grievance procedures outlined in this policy.

- C. **Time Limits** - Time limits set forth in this procedure are provided for expeditious processing of grievances. However, those time limits may be extended by the City Manager when such an extension is justified.
- D. **Procedures:**
  - 1. Grievances shall indicate the matter grieved and express the relief requested by the employee.
  - 2. Written grievances will be presented to the supervisor.

3. Supervisor will investigate and respond in writing within five (5) working days.
4. If the grievance is not resolved it will be referred to the department head or the next higher level of management within five (5) working days. Supervisory failure to resolve or refer the grievance within the five (5) working days is sufficient cause for the employee to present the grievance to the next higher level.
5. An employee not satisfied with the decision made in step 4 above may appeal the grievance to the City Manager within five (5) working days of receipt of the previous response. The City Manager will respond in writing to the grievance within five (5) working days and his/her decision is final.

**E. Resolution** - Grievances are to be considered resolved at any step when all parties are satisfied. Failure by the employee to follow the grievance procedures shall invalidate the process.

## **12.02 Discipline**

*Effective Date: 9-20-2005*

*Revision Date:*

### **Policy**

It is the intent of the City of Huntsville to establish and maintain a consistent practice of handling disciplinary actions.

### **Purpose**

It is the purpose of this policy to establish and maintain discipline practices that are consistently applied throughout the City's departments.

### **Responsibilities**

1. Department and division directors are responsible for ensuring that all employees are treated in an equitable manner and that discipline is consistently applied throughout their respective areas.
2. Human Resources is responsible for maintaining official personnel records and files. These files will include written documentation of formal disciplinary actions and any backup documentation.

### **Procedure**

- A. **Records Maintenance** - Records will be maintained in the Human Resources Department when formal disciplinary actions are taken. Disciplinary actions will be considered formal only when documented and official only when processed by Human Resources. When taking disciplinary actions, supervisors must have sufficient factual information concerning employees in order that actions can be taken based on recorded fact. General statements about employee's abilities, attitudes or performance are merely opinions and may be successfully challenged. Human Resources should maintain employee records of exceptional behavior, good or bad, which could have an influence on that employee's status.

#### **Examples of Records Maintenance:**

1. **Attendance and Punctuality** - The reasons for absences and tardiness can be almost as important as the dates and amounts of time lost. Tardiness and absenteeism if reflected on departmental records but not on official time cards could be considered not official.
2. **Quantity of Work Performed** - The standards to be measured, as written on the performance appraisal report, may be very useful when initiating disciplinary actions. Those standards, as compared with current work, of the normal workload of other



employees, may be sufficient documentation in order to initiate disciplinary action, when necessary.

3. Commendations - Records should be maintained to document outstanding performance as well as that performance that could be improved.
4. Accidents and Injuries - Records should be maintained on all accidents and injuries.

**B. Review of Incident(s) Prior to Taking Disciplinary Action** - After facts surrounding an incident or incidents are gathered supervisors should analyze them and decide what action, if any, should be taken. The following types of factors should be considered prior to making a decision:

1. Nature or the Offense - How serious are the consequences? Are other employees permitted to do the same? Are the work and safety of other employees affected? Are the citizens affected? If so, to what degree? Is the City's reputation affected?
2. Motive of the Act - Was the act deliberate or accidental? Does the employee realize the consequences of the act? Was the employee being dishonest or ignorant? What was the motive?
3. Prior Incidents - Has this type of incident happened previously to another employee? If so, how was the other employee disciplined? If the same employee committed the same or similar offense, was the employee warned previously of the consequences of another violation? In writing? What action should the employee expect in lieu of past practices for other employees for the same offense?
4. Past History - What is the employee's previous work history? Is this a pattern or an isolated incident?
5. Extenuating Circumstances - Are there other factors to be considered?
6. Appropriate Action - What type of discipline is appropriate for this employee? If the employee is suspended, will that employee think of the suspension as an extra holiday? Will a reprimand be a serious mark on the employee's record or just a meaningless piece of paper?

**C. Discipline** - The City may suspend, demote or remove an employee when the City determines this action will promote the efficiency of the City's service.

1. General - In determining whether its action will promote the efficiency of service, the City shall make its determination on the basis of:

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- a. Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance in the position employed in; or
  - b. Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance by the employing department of its duties and responsibilities.
2. Specific Factors - Among the reasons which may be used in making a determination under this Section paragraph C 1-a, any of the following reasons may be considered a basis of discipline:
- a. Delinquency or misconduct in prior employment;
  - b. Criminal, dishonest, infamous or notoriously disgraceful conduct, specifically including:
    - (1) Dishonesty - Stealing or taking City property or other employees' property without proper authorization; misuse of City funds or employee funds; cheating, forging, or willfully falsifying official City reports, records, or documents; misuse of paid leave of absence; or other falsifying action detrimental to the City or to fellow City employees.
    - (2) Disturbance - Fighting; using profane, abusive or threatening language; horseplay; causing injury to fellow employees through deliberate action or gross negligence; spreading false reports; or otherwise disrupting harmonious relationships between employees.
    - (3) Sabotage - Deliberate damage or destruction of City equipment or property; altering, removing or destroying City records; advocacy of or participating in unlawful trespass or seizure of City property; encouraging or engaging in slow-downs, sit-ins, strikes or any other concerted effort to limit or restrict employees from working.
    - (4) Misconduct - Any criminal offense or other misconduct, including immoral conduct, during on or off working hours, which could have an adverse effect on the City, or the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees; or repeated convictions during service on misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment.
  - c. Intentional false statements, deception or fraud in examination or appointment.
  - d. Abuse of drugs or alcohol. Reporting to work in unfit condition, being under the influence of intoxicants or controlled substances, including

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marijuana, narcotics, or drugs of any kind; drinking intoxicants or taking into the body a controlled substance, including marijuana or a dangerous drug, during working hours; or possessing intoxicants or unlawfully possessing controlled substances, including marijuana, narcotics or dangerous drugs, on City property or in City vehicles.

- e. Any statutory disqualification which makes the individual unfit for the job or failure to meet and maintain requirements of his/her job description.
- f. Unsatisfactory attendance. Excessive, unauthorized absence and/or tardiness.
- g. Incompetence. Inability or unwillingness to perform assigned work satisfactorily.
- h. Indifference toward work. Inefficiency, loafing, carelessness, failure to remain at work, performing personal business during work hours, abuse of eating and/or rest periods, sleeping or being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees, or leaving work without permission.
- i. Insubordination. Willful failure or refusal to perform assigned work or fully comply with instructions or orders as directed by the supervisor or other members of management.
  - (1) If the employee believes the instructions or order is improper, he/she should obey the order or instruction and file a grievance later. This does not apply to imminently dangerous situations.
  - (2) If the employee believes the instruction or order, if followed, would result in physical injury to them or damage to City equipment, he/she should request verification by the next higher level of supervision.
- j. Violation of safety rules. Smoking in prohibited areas; improper removal of safety guards, fire extinguisher, or other equipment designed to protect employees and property; failure to use safety equipment or to follow safety rules; or failure to report an on-the-job injury, vehicle accident, or unsafe condition.
- k. Misuse of City equipment or services. Using or providing City equipment and/or services for anything other than official City business or without proper authority.
- l. Conduct. Conduct subversive to the proper order, discipline and moral of the City.

3. Additional Considerations - In making its determination under this Section paragraph C 1-a, the City shall consider the following additional factors to the extent that these factors are deemed pertinent in the individual case:
    - a. The nature and seriousness of the conduct;
    - b. The recency of the conduct; and
    - c. The absence or presence of rehabilitation or efforts toward rehabilitation.
  4. Demotion - If the discipline is a demotion, it may be within the same salary range or to a position with a lower salary range, but in either case will be accompanied by at least a five percent (5%) reduction in pay for the employee involved. No employee may be demoted to a position for which he/she does not possess the necessary minimum qualifications.
  5. Suspension - A suspension shall be without pay and shall not exceed thirty (30) calendar days. No employee may be suspended for more than a total of thirty (30) days in any fiscal year.
  6. Termination - In the event that a supervisor considers it necessary to terminate the employee, the supervisor will recommend such action to the department head prior to taking action. The documentation for such actions will then be sent to Human Resources for an opinion as to whether the existing documentation is adequate prior to taking action.
- D. Pre-Discipline Review - Public Safety** - Before considering a complaint against a law enforcement officer, fire fighter, or police officer employed by the City, the complaint should be reduced to writing, signed and provided to the employee. (See Texas Government Code § 614.021 et seq.)
- E. Pre-Discipline Review - Non Public Safety** - Before taking any disciplinary action, a written notice of the proposed disciplinary action describing the employee's alleged deficiency or infraction shall be given to the employee subject to the disciplinary action. If the employee is absent without leave, notice of disciplinary action shall be mailed to the employee at his last known address by certified mail, return receipt requested. The notice shall establish the time for a pre-discipline review.
1. On or after the second working day following notice of the proposed disciplinary action, the employee's department head shall conduct a pre-discipline review. At the pre-discipline review, the department head shall review the written charges and explain the evidence related to them. At that review, the employee against whom the disciplinary action is proposed will be entitled to present an oral and/or written response. This review is a matter between the employee and their employer. The

employee is not entitled to representation during this review. If the department head is unavailable, the City Manager may assign another department head to conduct the pre-discipline review.

2. An employee may not be suspended, demoted or terminated until the completion of the pre-discipline review. If the department head perceives a significant hazard in keeping the employee on the job, the department head may suspend the employee with pay until the pre-discipline review is held.
3. Upon completion of the pre-discipline review, the department head may withdraw, amend, or issue the notice of disciplinary action.

**F. Appeal of Disciplinary Action to City Manager:**

1. Formal disciplinary action taken under this chapter may be appealed in writing directly to the City Manager within five (5) working days following notice of the action.
2. The action may be stayed pending decision on the appeal, or may take effect anytime after issuance of the notice as determined by the City Manager.
3. Upon request, an employee against whom disciplinary action is taken shall be entitled to present a written response to said action and to appear personally before the City Manager, with or without counsel. All parties shall have the opportunity to present and cross examine witnesses called. The City Manager, following careful investigation, shall have broad authority to approve, disapprove, modify, increase, or rescind any disciplinary actions taken or proposed. The City Manager shall render a final written decision within ten (10) working days of the close of the hearing.

**G. Appeal of Certain Disciplinary Action to City Council:**

1. An employee who, after appeal to the City Manager, is terminated or is suspended without pay for five (5) working days or more, may file a written petition with the City Secretary requesting a hearing on such personnel action within ten (10) days after the City Manager's decision.
2. The petition shall contain the employee's signature, his/her home address, and a request for a public or private hearing.
3. If timely filed, the Council shall hold a hearing not less than six (6) days or more than twenty (20) days from such petition.
4. Notice of the hearing date shall be given to the employee either by personal service or by certified mail, return receipt requested, through the City Secretary at least five (5) days before the hearing date.
5. All hearings will be held at the City Hall of the City of Huntsville.

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6. City Council will render a written decision within ten (10) days of the close of the hearing.

(See City Charter § 4.12; City of Huntsville Code § 2-2.)